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1 CHAIRMAN PENNINGTON: OKAY. WE'LL COME
2 BACK TO ORDER FOR THE AFTERNOON SESSION OF THE
3 NOVEMBER BOARD MEETING OF THE CALIFORNIA

INTEGRATED

4 WASTE MANAGEMENT BOARD. DO -- I'LL START HERE
WITH

5 MR. RELIS. ANY EX PARTES?

6 BOARD MEMBER RELIS: YES, I HAD A BRIEF
7 CHAT WITH TERRY LEVEILLE REGARDING THE POLICY
ON

8 PARTIES WHO HAVE NOT PERFORMED HISTORICALLY
WITH

9 THE BOARD.

10 CHAIRMAN PENNINGTON: OKAY. MR.
JONES.

11 BOARD MEMBER JONES: ALL MINE WERE
HELLOS,

12 ONE TO BUD PORTER, ONE TO JOE MINNER, ONE TO THE
13 FOLKS EACH FROM THE CITY OF SAN DIEGO, AND I
14 PROBABLY SAID HI TO CUPPS TOO. I THINK THAT WAS
15 IT.

16 BOARD MEMBER RELIS: I DID SAY HI TO
CUPPS

17 AS WELL.

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18 CHAIRMAN PENNINGTON: I DID THAT TOO.

I

19 DON'T REALLY HAVE ANYTHING TO -- WAIT A MINUTE.

20 BOARD MEMBER CHESBRO: I HAD THE SAME

21 CONVERSATION WITH TERRY LEVEILLE, AND -- I

PRESUME.

22 AND ALSO, JANET AND I HAD A CONVERSATION WITH

23 GEORGE LARSON AND HIS CLIENT REGARDING THE --

24 BOARD MEMBER GOTCH: JOEY TONEY, I

THINK,

25 IS HIS NAME.

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1 BOARD MEMBER CHESBRO: REGARDING THE
2 CALAVERAS WHATEVER IT IS.

3 BOARD MEMBER FRAZEE: YES, I SPOKE
WITH

4 CLINT WHITNEY REGARDING ITEM 25, THE CITY OF
SAN

5 DIEGO'S LEA PROPOSAL, AND BRIEFLY WITH JOHN
CUPPS

6 REGARDING TIRE CHIPPING AT CHICAGO GRADE
LANDFILL.

7 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

8 NOW WE'LL MOVE TO ITEM 25,
9 CONSIDERATION OF TEMPORARY CERTIFICATION AND
10 DESIGNATION OF THE CITY OF SAN DIEGO DEVELOPMENT
11 SERVICES DEPARTMENT AS THE LOCAL ENFORCEMENT
AGENCY

12 FOR THE CITY OF SAN DIEGO. DOROTHY RICE.

13 MS. RICE: THANK YOU, MR. CHAIRMAN AND
14 MEMBERS. TOM UNSELL AND CHRISTINE MCCracken
WILL

15 PRESENT THIS ITEM.

16 MR. UNSELL: MR. CHAIRMAN AND BOARD
17 MEMBERS, THIS ITEM COMES BEFORE YOU FOR

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CONSIDERA-

18 TION OF TEMPORARY CERTIFICATION AND DESIGNATION
OF

19 THE CITY OF SAN DIEGO DEVELOPMENT SERVICES

20 DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR
THE

21 CITY OF SAN DIEGO. THIS IS A RESULT OF THE
CITY

22 EXERCISING THE STATUTORY OPTION TO AT ANY SUCH
TIME

23 A CITY MAY CHOOSE ESTABLISH THEIR OWN LOCAL

24 ENFORCEMENT AGENCY.

25 THE CITY WITHDREW THE DESIGNATION
OF

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1 THE COUNTY AS THEIR LOCAL ENFORCEMENT AGENCY MID
TO

2 LATE SUMMER. THEY NOTIFIED US IN WRITING GIVING
US

3 THE NECESSARY MANDATED 90 DAYS ADVANCE NOTICE OF
4 THE WITHDRAWAL OF THAT. EFFECTIVE DATE OF
WITH-

5 DRAWAL OF DESIGNATION IS TODAY, THE 19TH OF
6 NOVEMBER, AS A RESULT.

7 AS I MENTIONED, THE DEVELOPMENT
8 SERVICES DEPARTMENT IS THE LEA FOR THE CITY OF
SAN

9 DIEGO, RESIDES UNDER THE CITY MANAGER. THE
TITLE

10 14 REGULATORY REQUIREMENTS CONSIDERS THE OPTION
11 THAT THE BOARD CAN ISSUE TEMPORARY
CERTIFICATION

12 FOR SPECIFIC TIME PERIODS. CONSISTENT WITH
PAST

13 PRACTICES, THIS IS BEING BROUGHT FOR YOU WITH
THAT

14 RECOMMENDATION FOR TEMPORARY CERTIFICATION
WHERE

15 THE AGENCY OR THE LEA WILL NOT OR WILL BE

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RESIDING

16 HAS NOT EXERCISED PUBLIC HEALTH ENFORCEMENT
ACTIONS

17 IN THE PAST. AND THAT'S CONSISTENT WITH OUR
PAST

18 CERTIFICATION PRACTICES.

19 AT THIS POINT I'LL TURN IT OVER TO
20 CHRISTINE, AND SHE'LL GIVE YOU A BRIEF UPDATE
ON

21 THE ENFORCEMENT PROGRAM PLAN AND THE
DESIGNATION

22 INFORMATION PACKET PROVIDED BY THE CITY.

23 MS. MCCracken: GOOD AFTERNOON. AS
TOM

24 STATED, THE PUBLIC RESOURCES CODE ALLOWS
LOCAL

25 GOVERNING BODIES TO DESIGNATE AN ENFORCEMENT
AGENCY

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1 TO CARRY OUT SOLID WASTE PERMITTING, INSPECTION,
2 AND ENFORCEMENT DUTIES IN THEIR JURISDICTION.
3 REGULATIONS REQUIRE DESIGNATED LOCAL AGENCY
4 DEVELOP, SUBMIT FOR BOARD APPROVAL, AND ADOPT AN
5 ENFORCEMENT PROGRAM PLAN. THE EPP NEEDS TO
6 DEMONSTRATE THAT THE LEA MEETS ALL OF THE
REQUIRE-

7 MENTS FOR CERTIFICATION.
8 AS OF AUGUST 1ST, 1992, THE BOARD
CAN
9 APPROVE A DESIGNATION IF IT FINDS THAT THE
10 DESIGNATED ENFORCEMENT AGENCY IS CAPABLE
OF
11 FULFILLING ITS RESPONSIBILITIES UNDER
THE
12 ENFORCEMENT PROGRAM AND MEETS THE CERTIFICATION
13 REQUIREMENTS ADOPTED BY THE BOARD.

14 FOR A LOCAL AGENCY TO BE CERTIFIED
BY

15 THE BOARD, THEY MUST HAVE THE FOLLOWING:
TECHNICAL

16 EXPERTISE, ADEQUATE STAFF RESOURCES, ADEQUATE
17 BUDGET RESOURCES, ADEQUATE TRAINING, THE
EXISTENCE

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18 OF AT LEAST ONE PERMITTED SOLID WASTE FACILITY
19 WITHIN THE JURISDICTION, NO OPERATIONAL
INVOLEMENT
20 IN ANY OF THE TYPES OF FACILITIES OR SITES IT
21 PERMITS, INSPECTS, OR ENFORCES, AND THEY MUST BE
22 THE SOLE ENFORCEMENT AGENCY FOR THAT
JURISDICTION.

23 THE CITY OF SAN DIEGO HAS
REQUESTED

24 ALL FOUR TYPES OF CERTIFICATION. BOARD STAFF
HAS
25 REVIEWED THE DESIGNATION INFORMATION PACKAGE
AND

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1 ENFORCEMENT PROGRAM PLAN SUBMITTED BY THE CITY
OF
2 SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT AND
HAS
3 FOUND THE DOCUMENTATION MEETS THE REQUIREMENTS
OF
4 STATUTE AND REGULATION.

5 THERE IS AN INACCURATE STATEMENT
IN

6 THE ITEM WHICH READS, "THERE ARE STILL
REVISIONS

7 BEING MADE TO THE DESIGNATION INFORMATION
PACKAGE

8 AND THE EPP." PLEASE NOTE ALL THESE
SUBMITTALS

9 HAVE SINCE BEEN FILED AND ARE COMPLETE.

10 WHAT MAKES THIS REQUEST FOR
11 CERTIFICATION UNIQUE IS THAT THE CITY OF SAN
DIEGO

12 PROPOSES TO UTILIZE UNDER CONTRACT A PROGRAM
13 MANAGER AND VARIOUS LEA STAFF FROM OTHER
CERTIFIED

14 LEA JURISDICTIONS UNTIL JULY 1ST OF 1997. BY

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THAT

15 TIME THE CITY INTENDS TO HIRE THEIR OWN PROGRAM
16 MANAGER IN ADDITION TO FILLING AN INSPECTOR AND
17 ENGINEER POSITION. THE CITY HAS FULLY COMMITTED
TO
18 ASSUMING AND PERFORMING ALL DUTIES AND
19 RESPONSIBILITIES OF A CERTIFIED LEA AS OF TODAY
20 WITH THIS STAFFING ARRANGEMENT.

21 THIS CONCLUDES MY PRESENTATION.

AND

22 TOM WILL NOW PRESENT OUR RECOMMENDATION.

23 MR. UNSELL: THIS ITEM COMES BEFORE YOU
24 WITH A RECOMMENDATION FROM THE PERMITTING AND
25 ENFORCEMENT COMMITTEE TO ADOPT RESOLUTION 97-508

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1 WITH THE OPTION NO. 1 LISTED IN YOUR BOARD ITEM,
2 WHICH IS APPROVE THE EPP, APPROVE THE
DESIGNATION,
3 AND ISSUE TEMPORARY CERTIFICATION FOR THE
JURISDIC-
4 TION UNTIL SIX MONTHS AFTER THE HIRING OF
PERMANENT
5 STAFF.

6 THIS CONCLUDES OUR PRESENTATION.

IF

7 YOU HAVE ANY QUESTIONS, WE'D BE HAPPY TO ADDRESS
8 THOSE. I SHOULD NOTE THAT THERE ARE THREE
9 REPRESENTATIVES FROM THE CITY OF SAN DIEGO HERE
10 TODAY, ELMER HEAP FROM THE SAN DIEGO CITY
11 ATTORNEY'S OFFICE, LARRY MONSERRATE OF THE
12 DEVELOPMENT SERVICES DEPARTMENT WHERE THE LEA
WILL
13 RESIDE, AND DAVE CAREY, THE LEA PROGRAM MANAGER
14 UNDER CONTRACT WITH THE CITY. THIS CONCLUDES
OUR
15 PRESENTATION.

16 CHAIRMAN PENNINGTON: QUESTIONS OF
STAFF

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17 FIRST, OR WOULD YOU LIKE TO HEAR FROM THESE
THREE

18 GENTLEMAN? LET'S HEAR FROM THEM. OKAY. MR.
HEAP.

19 MR. HEAP: GRATEFUL TO BE HERE,
CHAIRMAN

20 PENNINGTON AND FELLOW BOARD MEMBERS. MY NAME
IS

21 ELMER HEAP. I'M A DEPUTY CITY ATTORNEY IN THE
CITY

22 OF SAN DIEGO CITY ATTORNEY'S OFFICE. WITH ME
TODAY

23 AGAIN IS LARRY MONSERRATE, WHO'S THE
ENVIRONMENTAL

24 PROGRAM MANAGER LOCATED IN THE DEVELOPMENT
SERVICES

25 DEPARTMENT. AND IT'S ALREADY BEEN INDICATED
THAT

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1 THAT'S WHERE THE LEA WILL BE LOCATED. IN
ADDITION,

2 DAVID CAREY IS HERE AND HE IS THE PROPOSED LEA
3 PROGRAM MANAGER.

4 I WILL ADDRESS ANY ISSUES THAT YOU
5 MAY HAVE OR QUESTIONS REGARDING THE APPLICATION
6 ITSELF FROM THE LEGAL PERSPECTIVE. IN ADDITION,
I

7 WANT TO REITERATE, AS IT RELATES TO THE LETTER
THAT

8 YOU RECEIVED FROM COLEMAN CONRAD, THE DEPUTY
CITY

9 MANAGER, DATED NOVEMBER 17TH, THAT OUR OFFICE
HAS

10 ALREADY DESIGNATED WHO THE DEPUTY CITY
ATTORNEY

11 WOULD BE THAT WOULD BE ADVISING THE LEA, AND
THAT

12 PERSON'S NAME IS PRISCILLA DUGARD, WHO PRESENTLY
IS

13 THE CHIEF LEGAL ADVISOR TO THE DEVELOPMENT
SERVICES

14 DEPARTMENT WHERE THE LEA WILL BE LOCATED.

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15 IN ADDITION, OBVIOUSLY MR.
MONSERRATE
16 IS HERE TO ADDRESS ANY ISSUES THAT YOU MAY HAVE
OR
17 QUESTIONS REGARDING THIS -- HOW IMPORTANT IT IS
TO
18 BE SEPARATED -- THE DEPARTMENT OF DEVELOPMENT
19 SERVICES TO BE SEPARATED FROM THE
ENVIRONMENTAL
20 SERVICES DEPARTMENT WHERE THE OPERATION SIDE
IS
21 LOCATED WITHIN THE CITY OF SAN DIEGO.
22 MR. MONSERRATE CAN ADDRESS
THOSE
23 ISSUES, IN ADDITION ADDRESS ANY ISSUES OR
QUESTIONS
24 YOU MAY HAVE REGARDING HOW THE DEVELOPMENT
SERVICES
25 WILL INTERACT SPECIFICALLY WITH THE LEA AND

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1 SPECIFICALLY HOW THE LEA THROUGH THE
DEVELOPMENT

2 SERVICES DEPARTMENT WILL INTERACT WITH THE
CITY

3 MANAGER'S OFFICE.

4 IN ADDITION, OBVIOUSLY, MR.
CAREY

5 WILL BE ABLE TO ADDRESS ANY ISSUES REGARDING
THE

6 APPLICATION ITSELF AND WHETHER OR NOT THE CITY
OF

7 SAN DIEGO HAS PUT TOGETHER A PACKET, AN
APPLICATION

8 THAT COMPLIES WITH PUBLIC RESOURCES CODE 43200.

9 AND I'D JUST LIKE TO MAKE SOME
BRIEF

10 REMARKS BECAUSE I BELIEVE THAT IS THE FOCUS,

11 OBVIOUSLY, OF THIS HEARING IS TO DETERMINE
WHETHER

12 OR NOT THE CITY OF SAN DIEGO HAS COMPLIED WITH

13 PUBLIC RESOURCES CODE 43200. HAVE WE PUT A
PROGRAM

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14 TOGETHER THAT DEMONSTRATES THAT WE HAVE MET THE
15 REQUIREMENTS AS PROMULGATED IN THE PUBLIC
RESOURCES

16 CODE? AND THE CITY OF SAN DIEGO BELIEVES THAT
IT
17 HAS, THAT IT'S PUT A PROGRAM TOGETHER THAT MEETS
18 THOSE STANDARDS.

19 OBVIOUSLY, IT'S THE BOARD'S
20 DETERMINATION TO DETERMINE WHETHER OR NOT WE
HAVE

21 MET THOSE STANDARDS AND WHETHER OR NOT THE CITY
OF
22 SAN DIEGO UNDERSTANDS WHAT ITS ROLE IS AS AN
LEA.

23 I WANT TO REPRESENT FOR THE CITY OF SAN DIEGO
THAT

24 WE DO UNDERSTAND THAT ROLE, WE DO KNOW WHAT IT
25 MEANS TO BE AN LEA, AND WE'RE COMMITTED TO BE
AN

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1 LEA AND TO BE FAIR AND EQUITABLE IN DEALING
WITH
2 ALL SOLID WASTE FACILITY OPERATORS AND OWNERS
3 WITHIN THE CITY OF SAN DIEGO, AND WE TAKE
THIS
4 RESPONSIBILITY SERIOUSLY.

5 AND FINALLY, JUST THE THREE
POINTS I

6 WANT TO CONCLUDE WITH, AND THAT IS THIS.
AGAIN, TO

7 REITERATE, WE BELIEVE THE APPLICATION IS
CONSISTENT

8 WITH THE PUBLIC RESOURCES CODE, THAT WE'VE
MET THE

9 REQUIREMENTS THERE. IN ADDITION, WE BELIEVE
WE'VE

10 CREATED AN ORGANIZATION THAT SEPARATES THE
LEA AND

11 WHERE IT'S GOING TO BE LOCATED IN THE CITY OF
SAN

12 DIEGO WHERE OPERATIONS SIDE IS IN THE CITY OF
SAN

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13 DIEGO.

14 FINALLY, WE BELIEVE PURSUANT TO
15 PUBLIC RESOURCES CODE 43214, THAT THIS BOARD
HAS

16 INCREDIBLE AUTHORITY TO STEP IN AND TO
MONITOR WHAT

17 THE LEA DOES WITHIN THE CITY OF SAN DIEGO AND
TO BE

18 ABLE TO CONDUCT INSPECTIONS AS OFTEN AS YOU
DEEM

19 APPROPRIATE TO DETERMINE WHETHER OR NOT THE
CITY OF

20 SAN DIEGO IS MEETING ITS OBLIGATIONS AS THE
LOCAL

21 ENFORCEMENT AGENCY.

22 AT THIS TIME WE ARE OBVIOUSLY
WILLING

23 TO ADDRESS ANY QUESTIONS THAT YOU WOULD LIKE
TO ASK

24 AT THIS TIME.

25 CHAIRMAN PENNINGTON: MR. CHESBRO.

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14 USE AND REGULATORY AUTHORITY OVER THE CITY'S
LAND
15 USE DECISIONS. PART OF THAT RESPONSIBILITY,
OF
16 COURSE, IS THE ENVIRONMENTAL REVIEW
RESPONSIBILITY
17 WHICH I PERSONALLY MANAGE. THAT IS AN
UNUSUAL
18 FUNCTION IN OUR CITY, AS IT IS IN MOST
CITIES, IN
19 THAT IT'S SEPARATE FROM THE OPERATIONAL
ASPECTS OF
20 OUR CITY GOVERNMENT.
21 OFTENTIMES I'M INVOLVED WITH
ENVIRON-
22 MENTAL REVIEW FOR CITY DEPARTMENTS THAT ARE
OUTSIDE
23 OF OUR DEPARTMENT AND OFTENTIMES IN GREAT
CONFLICT
24 WITH THEM BECAUSE THE ENVIRONMENTAL OBJECTIVE
IS TO
25 PROVIDE AN INDEPENDENT ANALYSIS, STEP BACK,
PROVIDE

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1 DECISION MAKERS WITH INFORMATION WITH REGARDS
TO

2 PROJECT'S IMPACT ON THE ENVIRONMENT. SO THIS
IS

3 NOT AN UNUSUAL ROLE AT ALL FOR OUR
DEPARTMENT.

4 OUR DIRECTOR, MS. CHRISTIANSON,
IS

5 COMMITTED TO PROVIDING THE SAME TYPE OF
INDEPENDENT

6 REVIEW AND ANALYSIS OF ISSUES RELATING TO THE
LEA

7 AS WE DO FOR OTHER ENVIRONMENTAL ISSUES AS IT
8 RELATES TO OUR CITY.

9 SO THAT'S BASICALLY OUR ROLE,
10 DEVELOPMENT AND REVIEW LAND DEVELOPMENT
DECISIONS,

11 ENVIRONMENTAL REVIEW. BE HAPPY TO ANSWER ANY
OTHER

12 QUESTIONS YOU MIGHT HAVE.

13 CHAIRMAN PENNINGTON: ANY OTHER
QUESTIONS

14 OF MR. MONSERRATE? OKAY. FINALLY, WE'LL HEAR

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FROM

15 DAVID CAREY.

16 MR. CAREY: MR. CHAIRMAN, MEMBERS OF
THE

17 BOARD, DAVE CAREY. AS ELMER HAS INDICATED AND
AS

18 STAFF INDICATED, WE'RE IN FULL SUPPORT OF THE
STAFF

19 RECOMMENDATION. AND I'LL BE HAPPY TO ANSWER ANY
20 SPECIFIC QUESTIONS YOU MIGHT HAVE WITH REGARD
TO

21 THE PROGRAM PLAN THAT WE PUT TOGETHER.

22 CHAIRMAN PENNINGTON: OKAY. OKAY.
ANY

23 QUESTIONS OF MR. CAREY? ANY DISCUSSION?

24 BOARD MEMBER JONES: I HAVE SOME
DISCUS-

25 SION.

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1 CHAIRMAN PENNINGTON: MR. JONES.

2 BOARD MEMBER JONES: I THINK THAT P&E
3 COMMITTEE DID VOTE AFFIRMATIVELY TO PUT THIS
4 FORWARD. IT WAS A TWO-TO-ONE VOTE. I WAS THE
ONE

5 DISSENTING VOTE. I DISSENTED FROM THE VOTE FOR
A

6 VERY SIMPLE REASON. I WORRY SOMETIMES WHEN
WE'RE

7 IN THE PROCESS OF JUST GOING ALONG WITH THE
STATUS

8 QUO AS TO WHAT DRIVES A LOT OF THINGS. I THINK
9 THAT MR. HEAP MADE IT CLEAR THAT THEY HAD
FILLED

10 OUT ALL THE PAPERWORK, PUT EVERYTHING FORWARD.

11 I ASKED QUESTIONS, AND I'M GOING
TO

12 TRY TO GO VERY BRIEFLY THROUGH FIVE STEPS. I
DON'T

13 MEAN TO TAKE TOO MUCH TIME WITH THE BOARD, BUT
I

14 THINK IT IS IMPORTANT TO UNDERSTAND THAT MR.

15 CONRAD'S LETTER -- I'M GOING TO START WITH MR.

16 CONRAD'S LETTER FROM THE CITY OF SAN DIEGO TO

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MR .

17 CHANDLER WHERE HE IS WITHDRAWING THE WITHDRAWAL
OF

18 THE LOCAL ENFORCEMENT AGENCY DESIGNATION. THIS
IS

19 DATED AUGUST 15TH.

20 IN THE SECOND PARA AFTER -- HE
SAYS

21 THAT THEY HAD HAD CITY COUNCIL ACTION. HE SAYS
IN

22 THE SECOND PARAGRAPH, "IT IS IMPORTANT TO NOTE
THAT

23 THE COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
24 SERVICES, DEH, SERVED AS AN EXEMPLARY LEA FOR
THE

25 PAST 12 YEARS. AND THIS CHANGE IN DESIGNATION
IS

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1 IN NO WAY RELATED TO THE QUALITY OF SERVICE
2 PROVIDED BY THAT DEH. TO THE CONTRARY, WE WILL
3 SEEK TO HAVE THE DEH CONTINUE TO PROVIDE LEA
4 SERVICES ON A CONTRACTUAL BASIS SUBJECT TO
THEIR

5 CONCURRENCE FOR AT LEAST THE REMAINDER OF THE
6 FISCAL YEAR."

7 HE SPEAKS ABOUT THE CONSOLIDATION
8 GOING ON WITH MERGERS AND ACQUISITIONS WITHIN
THE

9 WASTE INDUSTRY. "IN SAN DIEGO THAT
CONSOLIDATION

10 ILLUSTRATED THE FACT THAT 95 PERCENT OF THE
11 COMMERCIAL WASTES ARE COLLECTED BY ONLY FOUR
WASTE

12 HAULING COMPANIES COMPARED TO THE SEVEN THAT
13 EXISTED IN DECEMBER OF '96. ADDITIONALLY, THE
14 COUNTY HAS JUST SIGNED AN AGREEMENT TO SELL
SOLID

15 WASTE DISPOSAL AND TRANSFER SYSTEM TO ALLIED
WASTE

16 SYSTEMS, THE SECOND LARGEST WASTE HAULER IN SAN
17 DIEGO. AS A RESULT THE CITY COUNCIL DETERMINED

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18 THAT IT WAS NO LONGER APPROPRIATE TO DELEGATE
THE

19 CITY'S LEA RESPONSIBILITIES TO ANOTHER AGENCY
AND

20 THAT THE CITY MUST TAKE A MORE ACTIVE ROLE IN
THE

21 MANAGEMENT AND REGULATION OF SOLID WASTE
ACTIVITIES

22 WITHIN ITS JURISDICTION.

23 "CURRENTLY THE CITY STAFF AND ITS
24 CONSULTANT, DAVID CAREY, WHO FORMERLY HEADED
THE

25 COUNTY'S LEA PROGRAM, ARE PREPARING THE
NECESSARY

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1 DOCUMENTATION AND PROGRAM PLANS FOR THE BOARD
TO
2 CONSIDER THE CITY'S REQUEST FOR CERTIFICATION
AS
3 LEA. BY SEPARATE COVER, WE ARE NOTIFYING THE
4 COUNTY AND ITS DEH OF THIS ACTION AND CITY'S
DESIRE
5 TO PROVIDE LEA SERVICES ON A CONTRACTUAL BASIS.
WE
6 ARE ALSO NOTIFYING THEM OF OUR DESIRE THAT NO
NEW
7 OR AMENDED SOLID WASTE FACILITIES PERMITS BE
ISSUED
8 DURING THE INTERIM PERIOD UNTIL THE CITY BECOMES
9 THE CERTIFIED LEA WITHOUT CONSULTING WITH OR
10 OBTAINING CONCURRENCE OF THE CITY. IF THE
DEH
11 AGREES TO THAT CONDITION, THEN THE CITY
WILL
12 REQUEST THE CHANGE IN DESIGNATION TO BE
EFFECTIVE
13 UPON ITS CERTIFICATION AS LEA. ABSENT AN

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AGREEMENT

14 ON THIS KEY POINT, KEY POINT THAT NO PERMITS
BE
15 ISSUED AND THAT ANY DECISIONS MADE GO THROUGH
THE
16 CITY MANAGER'S OFFICE, ABSENT THAT AGREEMENT,
WE'LL
17 REQUEST THAT IT BE WITHDRAWN EFFECTIVE UPON
RECEIPT
18 OF THIS LETTER. WE WILL ADVISE YOU OF WHICH
OF THE
19 OPTIONS THE CITY ELECTS IMMEDIATELY AFTER WE
HAVE
20 HAD HAD THE OPPORTUNITY TO DISCUSS THE MATTER
WITH
21 THE COUNTY. TILL APPROPRIATE APPOINTMENTS ARE
MADE
22 AND THE CITY LEA ORGANIZATION BECOMES FULLY
23 FUNCTIONAL, WE'LL CONSIDER THIS OFFICE TO BE
THE
24 SINGLE POINT OF CONTACT WITH THE CITY FOR ALL
25 MATTERS RELATED TO LEA DESIGNATION AND
FUNCTION. "

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1 THAT'S FROM THE CITY MANAGER'S OFFICE.

2 MR. CHANDLER'S RESPONSE TO THAT,

3 DATED SEPTEMBER 4TH, STATES THAT HE RECEIVED

THE

4 LETTER. "I UNDERSTAND FROM YOUR LETTER THAT

YOU

5 DESIRE THE CURRENT LEA NOT TO PROCESS ANY NEW

OR

6 AMENDED SOLID WASTE FACILITIES PERMITS DURING

THE

7 INTERIM CHANGE-OVER OF AUTHORITY UNLESS THE

LEA

8 AGREES TO CONSULT WITH YOU AND OBTAIN CITY

COUNCIL

9 PRIOR CONCURRENCE. I ALSO UNDERSTAND YOUR

REQUEST

10 THAT SHOULD THE LEA NOT AGREE TO THIS, THE

11 WITHDRAWAL OF DESIGNATION WOULD BE

EFFECTIVE

12 IMMEDIATELY. HOWEVER, PLEASE NOTE THAT

THE

13 CALIFORNIA CODE OF REGULATIONS, TITLE 14,

SECTION

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14 18056 SPECIFIES THE METHOD AND TIME FRAMES FOR
15 NOTIFICATION OF WITHDRAWAL OF DESIGNATION
BY A

16 LOCAL GOVERNING BODY, THUS THE SOONEST THE
17 WITHDRAWAL OF A DESIGNATION COULD BECOME
EFFECTIVE

18 IS 90 DAYS FOLLOWING THE NOTICE TO THE
WASTE

19 BOARD. "

20 FURTHER DOWN HE SAYS, "WHILE
I CAN

21 UNDERSTAND YOUR REQUESTED DESIRE, THERE IS
22 CERTAINLY NO PROVISION IN STATUTE OR
REGULATION TO

23 PREVENT AN LEA FROM CARRYING OUT ITS DUTIES
AND

24 RESPONSIBILITIES AS REQUIRED BY LAW WHILE
THERE IS

25 A CHANGE IN THE LEA ACTIVITY AUTHORITY
PENDING.

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1 CONVERSELY, THE LEA IS MANDATED TO CONTINUE
TO
2 FULFILL ALL THE DUTIES OF AN LEA UNTIL THE
3 WITHDRAWAL OF DESIGNATION BECOMES EFFECTIVE.
4 "I KNOW THAT YOU WILL UNDERSTAND
THE
5 NECESSITY OF THE WASTE BOARD STAFF TO CONTINUE
ITS
6 CONSULTATION WITH COUNTY DEH AS LEA FOR MATTERS
7 RELATED TO INSPECTIONS, ENFORCEMENT, PERMITTING
OF
8 SOLID WASTE FACILITIES AND OPERATIONS IN
MATTERS
9 RELATED TO PUBLIC HEALTH AND SAFETY UNTIL A NEW
10 AGENCY FOR THE CITY HAS BEEN DESIGNATED AND
11 CERTIFIED BY THE WASTE BOARD TO ACT AS THE
CITY'S
12 LEA. EVERY EFFORT WILL BE MADE TO ENSURE THAT
YOU
13 ARE INCLUDED AS POINT OF CONTACT FOR ALL THE
CITY
14 MATTERS RELATED TO THESE CONSULTATIONS, AS WELL

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AS

15 THE LEA CERTIFICATION PROCESS. THE WASTE BOARD
16 WILL ACCEPT YOUR NOTICE OF WITHDRAWAL OF THE
17 DESIGNATION OF THE COUNTY TO BE EFFECTIVE
NOVEMBER

18 18TH UNLESS WE RECEIVE WORD FROM YOU TO THE
19 CONTRARY."

20 WHEN I FIRST BROUGHT UP THESE
ISSUES,

21 IT WAS THAT THERE NEEDS TO BE A CLEAR
DELINEATION

22 BETWEEN WHAT THE LEA DOES AND WHAT THE OPERATING
23 STAFF DOES. THIS LETTER WRITTEN BY THE CITY
24 MANAGER OR THE DEPUTY CITY MANAGER NOTIFYING US
25 THAT THEY WERE GOING TO DEDESIGNATE LAYS OUT A

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1 SCENARIO WHERE THEY DON'T WANT THE LEA TO DO
2 ANYTHING WITHOUT THEIR PERMISSION. I DON'T
THINK

3 THAT THAT IS A SEPARATION OF POWER.

4 THE ISSUES THAT I BROUGHT UP AT
THE

5 COMMITTEE MEETING WERE DRIVEN BY A COUPLE OF
6 THINGS, AND I'LL DO TWO OF THEM REALLY QUICKLY.

7 MAY 3D, 1997, FROM THE SAN DIEGO UNION TRIBUNE

8 THERE WAS AN ARTICLE THAT STARTED OFF, "THE
COUNTY

9 AND THE CITY OF SAN DIEGO ARE TRASHING EACH
OTHER

10 OVER TRASH IN THE MIDST OF AN UNPRECEDENTED SALE
OF

11 COUNTY DUMPS."

12 THROUGH THIS ARTICLE THERE'S

13 REFERENCES THAT THE CITY WANTS THE SYCAMORE
CANYON

14 DUMP, WHICH THE COUNTY PUT UP FOR SALE WITH ITS

15 OTHER LANDFILLS. SYCAMORE IS WITHIN THE CITY'S

16 JURISDICTION.

17 THERE ARE QUOTES FROM PRYOR AND

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FROM

18 THE CITY MANAGER, MCGRORY, THAT SAYS -- I MEAN

19 THERE'S A QUOTE HERE FROM LARRY PRYOR THAT HE
HAD

20 WRITTEN THAT SAYS, "YOU HAVE ESSENTIALLY" --
THIS

21 IS A QUOTE IN THAT ARTICLE: "YOU HAVE
ESSENTIALLY

22 TOLD POTENTIAL BIDDERS THAT THE CITY HOLDS THE
LAND

23 USE APPROVAL KEYS TO THE FUTURE OF SYCAMORE

24 LANDFILL AND THAT WITHOUT THOSE KEYS, THE
POTENTIAL

25 BIDDERS WOULD BE ACQUIRING AN ASSET WITHOUT MUCH

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1 VALUE, PRYOR WROTE. YOU HAVE ALSO STATED OR AT
2 LEAST INTIMATED THAT THOSE LAND USE APPROVALS
WILL
3 BE FAVORABLE IF TITLE TO SYCAMORE IS TURNED OVER
TO
4 THE CITY FREE OF CHARGE IN 20 YEARS, BUT WILL BE
5 UNFAVORABLE SHOULD THE COUNTY OR POTENTIAL
BIDDERS

6 NOT MEET THE CITY'S MANDATES."
7 THE CITY MANAGER SAID THAT HE HAS,
8 YOU KNOW, LEGITIMATE CONCERNS ABOUT A MEGA
LANDFILL

9 IN PRIVATE HANDS ON SYCAMORE THAT WOULD HANDLE
THE
10 NORTH COUNTY'S TRASH, POSSIBLY HANDLING GARBAGE
11 FROM OUTSIDE THE COUNTY AS WELL.

12 SO FROM MAY WE'VE BEEN HEARING
ABOUT
13 THIS BATTLE IN THE NEWSPAPERS BETWEEN THE CITY
AND
14 THE COUNTY OVER JURISDICTION OF THIS FACILITY.
NOW

15 WE HAVE AN LEA CERTIFICATION COMING ALONG THAT

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MR .

16 CONRAD WRITES THAT THE LEA FOR SAN DIEGO COUNTY
HAD

17 DONE EXEMPLARY WORK, BUT YET WE'RE GOING TO
18 DEDESIGNATE HIM AND WE'RE GOING TO CONTROL OUR
OWN.

19 I ALSO IN THE COMMITTEE MEETING
20 TALKED ABOUT A -- I HAD HEARD THE COMMITTEE
MINUTES

21 OR THE TAPE OF THE COMMITTEE MEETING WHERE THREE
22 ISSUES WERE BROUGHT FORWARD BY THE CITY. ONE
WAS

23 ON A FRANCHISE MECHANISM, I THINK. ONE WAS ON
A

24 LAND USE CUP ISSUES FOR -- I'M PARAPHRASING
THAT.

25 I'M NOT SURE EXACTLY HOW THAT WORKED -- AND
THEN

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1 THE OTHER WAS ON THE LEA DESIGNATION. AND ALL
2 THREE WERE HANDLED AS ONE ITEM.

3 AND IN EXPLAINING THAT NEED TO
THE

4 COUNCIL, THE DISCUSSIONS ABOUT PRIVATE
LANDFILLS,

5 THE DISCUSSION ABOUT, YOU KNOW, PROTECTING OUR
6 INTERESTS, THERE IS A QUOTE OR THERE IS PART OF
7 THAT TAPE FROM A MRS. KATO OR KETO -- I BLEW IT
THE

8 DAY OF THE MEETING. I'M PROBABLY MISPRONOUNCING
IT

9 AGAIN -- KEHOE, MS. KEHOE. IT SAID, "SYCAMORE
10 MUST STAY IN PUBLIC HANDS. THE LAST THING WE
WANT

11 IS THAT LANDFILL TO BE TURNED OVER TO A PRIVATE
12 COMPANY BEHOLDEN TO ONLY ITS STOCKHOLDERS TO BE
AT

13 THE MERCY OF THAT PRIVATE LANDFILL. THEY COULD
14 TAKE TRASH -- TAKE THE TRASH MARKET OUT OF
MIRAMAR

15 WHICH WOULD MESS UP LONG-TERM PROJECTIONS. THIS
16 COULD BE A VERY SERIOUS, DAMAGING CONDITION TO

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THE

17 CITIZENS OF SAN DIEGO."

18 I THINK THAT'S PRETTY TRUE

19 ASSESSMENT. IF THE WASTE WENT SOMEWHERE ELSE,

IT

20 MAY BE A PROBLEM. BUT TO USE THE LEA TO ENSURE

21 THAT THAT DOESN'T HAPPEN IS NOT AN APPROPRIATE

USE

22 OF THE LEA. PRC CODE THAT WAS QUOTED BY MR.

HEAP,

23 PRC 43200 SAYS THAT THE BOARD SHALL PREPARE AND

24 ADOPT CERTIFICATION REGULATIONS FOR LOCAL

25 ENFORCEMENT AGENCIES. THE REGULATIONS SHALL

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1 SPECIFY REQUIREMENTS THAT THE LOCAL AGENCY SHALL
2 MEET BEFORE BEING DESIGNATED AS AN ENFORCEMENT
3 AGENCY. THE REGS SHALL INCLUDE BUT ARE NOT
LIMITED

4 TO ALL THE FOLLOWING. ONE OF THEM IS TECHNICAL
5 EXPERTISE.

6 I WILL TELL YOU RIGHT NOW WHEN YOU
7 LOOK AT THE PEOPLE THAT ARE LISTED ON THIS
8 APPLICATION, THEY HAVE TECHNICAL EXPERTISE.
THAT

9 IS NOT A QUESTION OF MINE. ADEQUACY OF STAFF
10 RESOURCES IS A QUESTION OF MINE. STAFF
RESOURCES,

11 THE DAY OF THE MEETING, MR. CAREY AND MR. HEAP
MADE

12 PRESENTATIONS AS DID LISA WOOD. LISA WOOD
TALKED

13 ABOUT BEING A WORKER BEE AND HIRING PEOPLE, AND
I

14 UNDERSTAND SHE'S PROBABLY NOT PART OF THE TEAM
15 ANYMORE, BUT THIS PERSON THAT WAS OUT
INTERVIEWING

16 LEA'S OR RECRUITING LEA'S WORKED FOR THE

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OPERATOR,

17 WORKED FOR ENVIRONMENTAL SERVICES, A CLEAR
CONFLICT

18 OF THAT SEPARATION BETWEEN OPERATION AND
19 ENFORCEMENT.

20 ONE OF THE OTHER THINGS THAT MR.
21 CAREY HAD ALLUDED TO WAS THAT THEY WOULD HAVE
A

22 FULL-TIME STAFF PERSON ON STAFF. I BELIEVE
IT'S

23 SYLVIA COSTELLO -- CASTILLO, WHO IS A -- GOT
SOME

24 GREAT CREDENTIALS. THIS IS GOING TO BE A FULL-
TIME

25 LEA PERSON THAT -- AND I'M LOOKING BRIEFLY FOR
MY

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1 NOTES -- BUT IS GOING TO -- HAS 15 YEARS
EXPERIENCE

2 AS AN ENGINEER IN ENGINEER DESIGN AND
CONSTRUCTION,

3 SITE ASSESSMENT, GROUNDWATER ASSESSMENT,
LANDFILL

4 GAS EMISSIONS AND MITIGATION, MIGRATION CONTROL
5 SYSTEMS, RESPONSIBLE FOR THE REMEDIATION AND
CLEAN

6 CLOSURE OF THE NORTH CHOLOS BURN SITE.
OVERSIGHT

7 OF PROJECTS INCLUDED THE MIRAMAR GENERAL
DEVELOP-

8 MENT PLAN, MATERIALS RECOVERY FACILITY,
HOUSEHOLD

9 HAZARDOUS WASTE TREATMENT FACILITY, LANDFILL
SITING

10 SEARCH, STRONG ADMINISTRATIVE SKILLS, PLANNING,
11 BUDGETING, AND PERSONNEL OVERSIGHT. THOSE ARE
ALL

12 GREAT CREDENTIALS, BUT SHE IS ON LOAN FROM
13 ENVIRONMENTAL SERVICES. SHE WILL RETURN TO THE
14 OPERATOR. OR I INTERPRET WHEN SOMEBODY IS ON

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LOAN,

15 THAT MEANS BORROW AND BORROW MEANS RETURN. SO
16 IF

16 THAT'S NOT ACCURATE, THEN THAT'S NOT ACCURATE
17 IN

17 WHAT WAS DESCRIBED.

18 MY OTHER ISSUES WITH THE
19 RESOURCES,

19 AND THESE ARE WHAT ARE DRIVING THIS. AND I
20 NEED TO

20 SAY SOMETHING BECAUSE I DON'T WANT PEOPLE TO
21 MISINTERPRET WHAT I'M TRYING TO DO HERE AS
22 INDUSTRY

22 TAKING CARE OF INDUSTRY. I GOT PUT ON THIS
23 BOARD

23 TO HELP FORM POLICY, AND I THINK I'VE GOT A
24 PRETTY

24 CONSISTENT RECORD OF TRYING TO PROMOTE GOOD

25 POLICY. I AM NOT THE LOBBYIST FOR THE
26 INDUSTRY,

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1 AND MY INDUSTRY KNOWS THAT. BUT I HAVE A
PROBLEM

2 WITH THINGS LIKE THIS BECAUSE WHEN WE TALKED
WITH

3 MR. CAREY ABOUT THOSE RESOURCE ALLOCATIONS AND
HOW

4 THINGS WERE GOING TO HAPPEN, MY CONCERNS WERE
WHEN

5 A PERMIT HIT THE DESK AT THE LEA, DID THEY HAVE
THE

6 PEOPLE THAT CAN MOVE THAT THING THROUGH. AND I
7 USED THE EXAMPLE THAT I HAD PERMITS THAT TOOK
FIVE

8 YEARS AND EIGHT YEARS TO GET DONE BEFORE IT EVER
9 EVEN GOT HERE. THAT'S NOT GOOD GOVERNMENT.

10 HEARING PANELS, PART OF AB 59, IF
11 SOMEBODY WANTED A HEARING PANEL, I SAID WOULD
THAT

12 PERSON HAVE TO WAIT FOR ONE OF THESE PART-TIME
13 MOONLIGHTING EMPLOYEES TO BE OFF TO BE ABLE TO
BE

14 AT THE HEARING PANEL. MR. CAREY'S RESPONSE WAS
15 THAT HE WOULD BE THERE. HE'D GO OUT, MAKE SURE

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THE

16 VIOLATION WAS THERE, AND HE'D BE AT THE HEARING
17 PANEL. I WILL TELL YOU IF I GET A TRAFFIC
TICKET

18 DRIVING DOWN THE FREEWAY, I WANT THE COP THAT
WROTE

19 THE TICKET. I DON'T WANT THE CHIEF OF POLICE
20 THERE. HE DOESN'T KNOW WHAT THE ISSUES WERE.

HE

21 WASN'T THERE.

22 I THINK THAT'S A RESOURCE ISSUE.

AND

23 THE REASON I BRING IT UP IS BECAUSE WHAT WE HAVE
24 ARE A PERSON THAT'S GOING TO BE THERE EIGHT DAYS

A

25 MONTH, A PERSON THAT'S GOING TO BE THERE FOUR
DAYS

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1 A MONTH, ANOTHER ONE FOR EIGHT, ANOTHER ONE FOR
2 FOUR, ONE FOR THREE, ONE FOR THREE, ANOTHER ONE
FOR

3 TWO. SO WE'VE GOT -- AND ONE POTENTIALLY FOR
4 FOUR. SO WE'VE GOT THIS PART TIME -- I MEAN
CITY

5 OF SAN DIEGO HAS THE RIGHT. I DON'T QUESTION
THE

6 RIGHT OF THE CITY TO DEDESIGNATE. I DON'T
QUESTION

7 THE RIGHT OF THE CITY TO BECOME AN LEA.

8 WHAT I QUESTION IS DOES THE CITY
OF A

9 1,300,000 PEOPLE PUT A BALING WIRE PROGRAM
TOGETHER

10 AND THAT'S COMMENSURATE WITH THE LEVEL OF HEALTH
11 AND SAFETY OVERSIGHT THAT WE WANT TO PROMOTE?

I

12 DON'T THINK SO.

13 I THINK THEY GOT CAUGHT IN A

14 SITUATION, AS MR. CAREY EXPLAINED, THAT THEY
WERE

15 GOING TO CONTRACT WITH THE COUNTY TO PROVIDE

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THOSE

16 SERVICES IN THE INTERIM UNTIL THEY COULD HIRE
17 FULL-TIME STAFF. IT JUST DIDN'T WORK OUT. I
18 UNDERSTAND WHY IT DIDN'T WORK OUT WHEN I READ
MR.

19 CONRAD'S LETTER SAYING THAT THEY COULDN'T
ISSUE

20 PERMITS. THEY COULDN'T RUN PERMITS BY UNTIL
THEY

21 GOT THEIR PERMISSION. I COULD SEE WHERE AN LEA
MAY

22 FEEL THAT HIS JOB WAS BEING JEOPARDIZED A LITTLE
23 BIT BY HAVING TO LIVE BY THAT CONDITION.

24 ALSO, IN TRYING TO COME UP WITH A
25 SOLUTION TO THIS, I WANTED TO FIND OUT IF WE DID

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1 NOT DESIGNATE THE CITY TO BE THE LEA TODAY, IF
THE
2 CITY WOULD BE COMFORTABLE OR IF THE COUNTY WOULD
BE
3 COMFORTABLE IN -- BECAUSE THE WASTE BOARD
4 AUTOMATICALLY TAKES OVER AS THE ENFORCEMENT
AGENT
5 EITHER TODAY OR TOMORROW IF WE DON'T CERTIFY --
IN
6 CONTRACTING WITH THE COUNTY TO PROVIDE THE
SERVICES
7 AS LEA ON A CONTRACT BASIS UNTIL THEY GET A
8 FULL-TIME STAFF IN PLACE. THE HEAD OF THE
9 ENVIRONMENTAL HEALTH SERVICES SAID HE DIDN'T
HAVE A
10 PROBLEM, BUT IT BROUGHT UP ANOTHER ISSUE TALKING
11 ABOUT RESOURCES.
12 RICHARD PORTER, WHO HAS AN
ASTERISK
13 BY HIS NAME IN THE THING BECAUSE HE HASN'T
SIGNED
14 THE AGREEMENT YET TO FULFILL, EVIDENTLY -- AND
I'M

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15 GETTING THIS NOT FROM MR. PORTER BUT FROM HIS
16 BOSS -- MR. PORTER ISN'T GOING TO SIGN THAT
17 AGREEMENT. SO THAT'S FOUR DAYS THAT ARE NO
LONGER

18 AVAILABLE. ALSO, THE DIRECTOR OF ENVIRONMENTAL
19 HEALTH SERVICES FOR SAN DIEGO COUNTY -- DURING
THE

20 HEARING WE HAD ASKED A QUESTION: IS THERE A
21 CONFLICT? DO THE PEOPLE THAT THESE LEA'S WORK
FOR

22 HAVE A RIGHT TO LET THEM WORK THERE? YOU KNOW,
23 SOME PEOPLE HAVE PROVISIONS IN THEIR
EMPLOYMENT

24 CONTRACTS THAT SAY YOU GOT TO GET MY
PERMISSION

25 BEFORE YOU GO TO WORK FOR SOMEBODY ELSE.
EVIDENTLY

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1 MR. -- BOY, I'M GOING TO BUTCHER THIS NAME --
AKITA

2 AND MR. GILB, BOTH SAN DIEGO LEA'S, ONE THAT WAS
3 GOING TO PROVIDE EIGHT DAYS OF SERVICE AND ONE
THAT

4 WAS GOING TO PROVIDE FOUR, ARE NOT GOING TO GET
5 THEIR BOSSES' AUTHORIZATION TO PERFORM THESE
6 SERVICE.

7 NOW, THOSE PEOPLE EVIDENTLY HAVE
THE

8 OPPORTUNITY TO APPEAL THAT, BUT I DON'T KNOW HOW
9 LONG THAT APPEAL TAKES. I DON'T THINK IT CAN BE
10 DONE BETWEEN NOW AND TONIGHT AT MIDNIGHT. BUT
THAT

11 TAKES THIS DAYS OF MONTHS FROM 36 DOWN TO 20.
12 TWENTY DAYS A MONTH OF AVAILABLE MANPOWER, WHICH
IS
13 1920 MAN HOURS FOR WHAT'S GOING TO BE A 3700 MAN
14 HOUR JOB.

15 I OBVIOUSLY THINK THERE ARE SOME
16 ISSUES HERE WITH -- WITH THE INTEGRITY OF WHAT
WE
17 DO. I BELIEVE SERIOUSLY THAT A CITY HAS A RIGHT

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TO

18 BE A CITY AND TO RUN ITS SERVICES, BUT WE HAVE

AN

19 OBLIGATION TO MAKE SURE THAT HEALTH AND SAFETY

IS

20 PROTECTED UNTIL THOSE PIECES GET PUT TOGETHER.

THE

21 COUNTY OF L.A., WHEN THE CITY DECERTIFIED AND

22 BECAME ITS OWN LEA, THAT WAS A TWO-YEAR

23 TRANSITIONAL PROGRAM, ACCORDING TO RICHARD

HANSON.

24 TWO YEARS FOR THEM TO FINALLY RELINQUISH ALL OF

THE

25 AUTHORITY OVER TO THE CITY OF L.A. IT WAS

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1 COOPERATIVE EXCHANGE WHERE THEY TRAINED AND WENT
2 ALONG.

3 WHAT WE'RE LOOKING AT TODAY IS
4 CERTIFYING A PROGRAM THAT IS NOT EVEN GOING TO
BE

5 THE PROGRAM THAT'S GOING TO BE -- THE PROGRAM
6 STRUCTURE MAY BE THERE, BUT NONE OF THE
PRINCIPALS

7 ARE GOING TO BE THERE BECAUSE THEY'RE GOING OUT
AND

8 HIRE ALL NEW PEOPLE EFFECTIVE JULY '98. SO
WE'RE

9 WILLING TO STAKE OUR -- I DON'T WANT TO USE THAT
10 WORD -- WE'RE WILLING TO ENSURE THIS PROGRAM
BASED

11 ON MOONLIGHTING EMPLOYEES ON A PROGRAM THAT WAS
PUT

12 TOGETHER UNFORTUNATELY BECAUSE WHAT THEY THOUGHT
13 WAS GOING TO HAPPEN, WHICH WAS THE COUNTY WOULD
14 CONTRACT WITH THEM, DIDN'T HAPPEN. AND THAT'S
NOT

15 A GOOD SITUATION TO BE IN.

16 I MEAN I FEEL BAD FOR THE CITY.

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I

17 DON'T UNDERSTAND WHY WE CAN'T FULFILL THAT
SERVICE

18 UNTIL JULY OF '98 WHEN THEY DO HAVE ALL THE
PEOPLE

19 HIRED, WHEN THEY DO HAVE THE PEOPLE IN PLACE
WHERE

20 THEY HAVE BEEN TRAINED. I DON'T SEE THAT AS
21 INTERFERING WITH A CITY'S RIGHT TO DO THEIR JOB
OR

22 IN OUR OBLIGATION TO ENSURE THE HEALTH AND
SAFETY.

23 AND THEN FINALLY, I'VE GOT TO SAY
ONE

24 LAST THING. WE AS A BOARD HAVE ADOPTED A
STRATEGIC

25 PLAN. WE AS A BOARD HAVE WORKED VERY HARD WITH

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1 STAFF TO DETERMINE WHERE WE ARE GOING TO GO AS
AN

2 AGENCY. AND THE THIRD GOAL OF THAT FOUR -- WE
ONLY

3 HAVE FOUR GOALS IN OUR STRATEGIC PLAN. AND THE
4 THIRD ONE IS TO ENSURE COMPLIANCE WITH WASTE
5 MANAGEMENT STATUTES AND REGULATIONS WHILE
6 MAXIMIZING PROTECTION OF PUBLIC HEALTH AND
SAFETY

7 AND THE ENVIRONMENT. THE WAY THAT WE ARE GOING
TO

8 DO THAT, WHAT OUR PLAN IS IS TO NURTURE LEA'S,
TO

9 MAKE THEM -- TO CONTINUE TO TRAIN THEM, TO MAKE
10 THEM BETTER, AND THROUGH THAT MECHANISM ENSURE
THAT

11 THE ENVIRONMENTAL PROTECTIONS ARE IN PLACE.

12 AND I HAVE A QUESTION FOR THIS
BOARD

13 THAT VOTED UNANIMOUSLY ON THE STRATEGIC PLAN.
IS

14 THE PROJECT IN FRONT OF US, IS THE PROGRAM IN
FRONT

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15 OF US TO CERTIFY THIS TEMPORARY LEA STATUS, IS
16 THAT

17 WHAT YOU ENVISIONED WHEN YOU VOTED -- IS THAT
18 THE

19 LEVEL THAT WE WANT TO BE AT BECAUSE I NEED TO
20 KNOW

21 IF THAT'S THE LEVEL OF EXPERTISE AND THE LEVEL
22 OF

23 COMMITMENT WE WANT TO MEET THE STRATEGIC PLAN
24 IS US

25 LETTING THIS GO FORWARD BECAUSE IF IT IS,
26 THAT'S

27 NOT THE STRATEGIC PLAN THAT I HELPED WORK ON.

28 AND I THINK THAT THE CITY OF SAN

29 DIEGO CAN COME IN IN JUNE OF '98 WHEN THEY'VE
30 HAD

31 THE TIME TO HIRE COMPETENT HELP, AND I DON'T
32 HAVE A

33 PROBLEM WITH THAT. AND THAT'S THE WRONG WORD.

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1 DEDICATED, FULL-TIME EMPLOYEES BECAUSE THEY
ARE

2 COMPETENT. I MISSPOKE AND I APOLOGIZE. BUT,
YOU

3 KNOW, WE'VE GOT SOMETHING VERY CRITICAL HERE.
I

4 MEAN THIS IS A HEALTH AND SAFETY ISSUE. THIS
ISN'T

5 ABOUT ME BEING IN THE INDUSTRY. IT'S ABOUT ME
6 UNFORTUNATELY KNOWING WHAT IT MEANS TO HAVE
PERMITS

7 SIT IN OFFICES FOR FIVE YEARS BECAUSE THOSE FIVE
8 YEARS COST MONEY AND NOTHING GETS DONE.

9 I APOLOGIZE -- I THANK THE BOARD
FOR

10 LETTING ME SAY THOSE THINGS. I'M VERY
PASSIONATE

11 ABOUT THIS, AND I TRUTHFULLY HOPE THAT WE CAN
HAVE

12 A RESOLUTION WHERE WE ARE THE ENFORCEMENT AGENCY
13 UNTIL THE CITY OF SAN DIEGO HAS THE TIME TO PUT
14 TOGETHER FULL-TIME PEOPLE.

15 CHAIRMAN PENNINGTON: MR. FRAZEE.

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16 BOARD MEMBER FRAZEE: YES, THANK YOU,
MR.
17 CHAIRMAN. IF THIS DECISION WERE ONE TO BE MADE
IN
18 A VACUUM AND WITHOUT CONCERN FOR STATUTE, I --
AND
19 IF IT WERE A DECISION THAT PITTED THE COUNTY
VERSUS
20 THE CITY, I WOULD OPT FOR THE COUNTY IN A SPLIT
21 SECOND. BUT THAT'S NOT WHAT WE HAVE BEFORE US.
22 WHAT WE HAVE BEFORE US IS A DECISION BY THE
CITY,
23 ACCORDING TO STATUTE, TO WITHDRAW THE
DESIGNATION
24 OF A COUNTY AS THEIR LEA.
25 SO THE QUESTION THEN THAT COMES

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1 BEFORE US IS THE CITY QUALIFIED AND HAVE THEY
2 PROVEN THOSE QUALIFICATIONS TO THE SATISFACTION
OF
3 THIS BOARD TO PERFORM THE FUNCTIONS OF THE LEA.

I
4 THINK THEY HAVE.

5 MUCH OF WHAT MR. JONES HAS
INDICATED,

6 I THINK, IS BORN OUT OF SOME OF THE SAME
CONCERNS

7 THAT I HAVE. WE ALL HAVE OUR SUSPICIONS OF
WHAT

8 THE CITY OF SAN DIEGO IS UP TO. THERE IS A
CLEAR

9 VIEW, I THINK, BY MANY CITY COUNCILMEMBERS THAT
ALL

10 THEY HAVE TO DO IS TO BECOME THE LEA, AND THEN
11 THEY'RE GOING TO CONTROL THE SOLID WASTE WORLD
IN

12 SAN DIEGO COUNTY. AND I DON'T THINK THAT'S THE
13 CASE, AND THAT'S CERTAINLY NOT APPROPRIATE.

14 THE QUESTION OF -- AND ONE OF THE
15 MAIN CONCERNS I'VE HAD IS THE USE OF THIS

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AUTHORITY

16 TO EXERCISE LAND USE CONTROL, WHICH IS CLEARLY
NOT

17 PROVIDED FOR IN STATUTE. BUT THE FACT OF THE

18 MATTER IS THAT THE CITY OF SAN DIEGO CAN

EXERCISE

19 LAND USE CONTROL ANYWAY WITHOUT THIS. IT'S ONE
OF

20 THE FACTS OF LIFE. I DON'T THINK WE CAN CONVICT

21 THE CITY OF SAN DIEGO IN ADVANCE EVEN

THOUGH,

22 AGAIN, WE HAVE OUR SUSPICIONS THAT AS TO

WHAT

23 THEY'RE UP TO. I THINK THEY'VE MET THE LETTER

AND

24 THE TEST OF THE LAW, AND I CAN SEE NO OPTION FOR

US

25 OTHER THAN TO GRANT THEM THIS AUTHORITY UNDER

THE

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1 LAW, MUCH AS I WOULD LIKE IT TO BE OTHERWISE.
2 AGAIN, LET ME REITERATE THAT. BUT
I
3 JUST THINK THAT WE CANNOT GO ON SUSPICIONS. WE
4 MUST MEET THE LAW OR TO GET THE LAW CHANGED.
AND I
5 SAID THAT, I THINK, FROM MY VERY FIRST
EXPERIENCE
6 WHEN I WAS FIRST ON THIS BOARD WHEN WE HAD
ANOTHER
7 DEDESIGNATION COME UP. AND I SAID AT THE TIME I
8 THINK THAT'S ONE OF THE FAILINGS OF THE STATUTE
IS
9 THAT IT ALLOWS THAT EASY EXIT FROM REGIONAL
10 AUTHORITY. AND THAT'S WHERE THE AUTHORITY OUGHT
TO
11 LIE IS REGIONALLY.
12 I THINK IN THE CASE OF THE CITY
AND
13 COUNTY OF SAN DIEGO, IT'S UNFORTUNATE THAT ALL
THIS
14 CAME ABOUT DURING TUMULTUOUS TIME IN OUR COUNTY
15 WITH THE LEAVING OF THE CITY MANAGER AND OF THE

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16 ASSISTANT CITY MANAGER, WHO ARE BOTH KEY PLAYERS
IN
17 THIS, AT THE SAME TIME THAT THE SOLID WASTE
SYSTEM
18 WAS BEING SOLD BY THE COUNTY. AND ALL THAT'S
ADDED
19 AN EXTRA DIMENSION TO THIS THAT I WISH WERE NOT
20 HERE. BUT TAKING THOSE THINGS ASIDE, AGAIN,
YOU
21 KNOW, I WOULD OPT FOR THIS DELAY, BUT I DON'T
KNOW
22 WHAT THE DELAY IS GOING TO ACCOMPLISH. THIS IS
AN
23 INTERIM OR A PROBATIONARY CERTIFICATION. AND I
24 MUST, IN KEEPING WITH WHAT I WAS SWORN TO DO,
TO
25 UPHOLD THE STATUTES OF THE STATE OF CALIFORNIA,
I

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1 MUST VOTE FOR THAT.

2 BOARD MEMBER GOTCH: MR. CHAIR, I HAVE
A

3 QUESTION FOR THE CITY. I DON'T KNOW WHICH ONE
OF

4 YOU CHOOSES, MAYBE MR. CAREY, AND THAT QUESTION
IS

5 WHAT'S THE RUSH? FRANKLY, I ONLY SEE POSITIVES
IN

6 ALLOWING YOURSELF ANOTHER SIX MONTHS TO LET THE
7 PROCESS PROGRESS.

8 MR. CAREY: WELL, THERE ISN'T A RUSH.
AND

9 I DON'T FEEL THAT WE ARE RUSHING. I FEEL WE
ARE

10 VERY WELL PREPARED. SOME OF THE COMMENTS THAT
MR.

11 JONES HAVE MADE TODAY ARE NEW TO ME WITH
RESPECT TO

12 THE DEPARTMENT SAYING THAT THEIR STAFF WILL NOT
BE

13 ABLE TO MEET THEIR COMMITMENTS. I HAVE
COMMITMENTS

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14 FROM KEN CALVERT AND DAN AVERA BOTH. IF
SOMETHING
15 HAS TRANSPIRED, THEN I WOULD HAVE TO QUESTION
THE
16 MOTIVES OF THE COUNTY BEHIND ALL THIS, AND WHY
IS
17 IT THAT THE COUNTY WANTS TO MAINTAIN SOME SORT
OF
18 CONTROL AFTER THE FACT. THAT WOULD BOTHER ME.
19 WE'RE FUNDED. WE FEEL WE'RE
20 STAFFED. WE OBVIOUSLY HAVE YOUR STAFF APPROVAL
OF
21 OUR PROGRAM PLAN. OUR WHOLE INTENT IN THIS WAS
TO
22 HAVE THIS SEEMINGLESS -- SEAMLESS TRANSITION
23 BETWEEN THE COUNTY AND THE CITY. AND WE
ATTEMPTED
24 TO CONTRACT WITH THE COUNTY. AND AS YOU
INDICATED,
25 THE LETTER TO MR. CHANDLER ON AUGUST 15TH
INDICATED

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1 THAT THAT WAS OUR INTENT. THAT CERTAINLY WAS.
ON
2 OCTOBER 12TH WE FINALLY HAD THAT MEETING WE
ASKED
3 FOR WITH THE COUNTY. THAT'S WHEN THEY FINALLY
WERE
4 ABLE TO SIT DOWN WITH US. I HAD TO HAVE THE
5 PROGRAM PLAN SUBMITTED TO YOUR STAFF ON OCTOBER
6 15TH. THEY SAID THEY WOULD GET BACK TO US.
THEY
7 DID AFTER I HAD TO SUBMIT THE PLAN. THAT'S WHY
YOU
8 HAD A PLAN THAT HAD CONTINGENCIES IN IT THAT WE
9 WERE GOING TO USE THE COUNTY.
10 THROUGH THAT WHOLE PROCESS, THEY
LED
11 US TO BELIEVE THEY WERE GOING TO CONTINUE TO
HAVE A
12 WORKING RELATIONSHIP WITH US. WE ATTEMPTED --
THAT
13 WAS PROFESSIONAL COURTESY THAT WE WERE TRYING TO
14 DO -- THAT COLEMAN'S LETTER WAS TALKING ABOUT
WE

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15 WOULD LIKE TO BE PART OF THE PROCESS IF
PERMITS

16 COME IN. MR. AVERA HIMSELF TOLD ME THAT HE
DIDN'T

17 WANT TO ACCEPT PERMITS THAT HE COULDN'T
FOLLOW

18 THROUGH, THAT HE THOUGHT IT WAS IMPORTANT
THAT THE

19 CITY BECOME A PART OF THAT PROCESS.

20 SO WE WERE TRYING TO WORK FOR
THIS

21 TRANSITION THAT SEEMED TO BE IN THE BEST
INTEREST

22 OF NOT ONLY THE COMMUNITY, BUT THE FACILITY

23 OPERATORS. SO I DON'T THINK WE'RE RUSHING.
WE'VE

24 GIVEN APPROPRIATE NOTIFICATION. WE'RE WELL
WITHIN

25 THE STATUTE OF THAT, AND WE'RE PREPARED TO
HIT THE

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1 GROUND RUNNING. THAT'S WHAT WE WANT TO DO.
WE

2 DON'T WANT TO HOLD UP THE COUNTY OF L.A. OR
THE

3 CITY OF L.A. AS THE BENCHMARK FOR SOMETHING
THAT

4 MIGHT HAVE TAKEN TWO YEARS TO TRANSITION. WE
DON'T

5 THINK THAT'S APPROPRIATE. WE'RE PREPARED TO DO
6 THAT RIGHT NOW.

7 BOARD MEMBER GOTCH: THE OTHER QUESTION
IS

8 FOR STAFF. AND THAT IS, I GUESS I'M TRYING TO
9 FIGURE OUT. WITH OUR OPTIONS HERE, AND I
KNOW

10 THESE ARE LIMITED OPTIONS, I DON'T KNOW IF
MR.

11 JONES IS MOVING TOWARDS A DISAPPROVAL OR NOT.
BUT

12 I GUESS I'M TRYING TO FIGURE OUT HOW THIS COULD
13 WORK IN A MANNER WHERE WE WOULD ALLOW THE
CITY

14 ANOTHER SIX MONTHS OR SO, AND THEN AT THAT

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POINT

15 THEY HAVE THE OPTION OF COMING BACK, I WOULD
ASSUME

16 THEN, FOR THE LEA DESIGNATION.

17 MS. RICE: CERTAINLY. YOU ARE ASKING
IF

18 THIS WERE DISAPPROVED TODAY AND WE BECAME THE
EA,

19 COULD THEY COME BACK?

20 BOARD MEMBER GOTCH: I GUESS IT'S
EITHER

21 THE DISAPPROVAL OR THE NO ACTION. I'M ASSUMING
22 IT'S THE SAME ANSWER.

23 MS. RICE: CORRECT. CORRECT. YES, AND
I

24 ASSUME, OF COURSE, THEY COULD COME BACK.

25 BOARD MEMBER GOTCH: SO THEN WE COULD -

-

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1 BUT WE COULD CONCEIVABLY THEN PUT A TIME LINE
WITH
2 THE MOTION, WHICH IS SOMETHING THAT I WOULD LEAN
3 MORE TOWARDS.

4 BOARD MEMBER JONES: YEAH. ONE THING,
THE

5 REASON I KEEP REFERRING TO JULY 1ST OF '98 IS
THAT

6 IN STATUTE IT SAYS IF THEY ARE NOT APPROVED AND
THE

7 WASTE BOARD TAKES OVER AS THE ENFORCEMENT AGENT,
8 THEY ARE THE ENFORCEMENT AGENT UNTIL THE END OF
THE

9 FISCAL YEAR, WHICH WOULD BE JUNE 30TH. SO IT
WOULD

10 BE JULY 1ST WOULD BE THE NEXT DAY OF THE NEXT
11 FISCAL YEAR. IS THAT --

12 MR. CAREY: I THINK THE BOARD HAS THE
13 RIGHT TO CUT THAT SHORT AS DIRECTED BY THE
BOARD.

14 THE BOARD CAN MAKE THAT DATE SHORTER. IT
DOESN'T

15 HAVE TO GO TO THE FISCAL YEAR.

16 I'D LIKE AN OPPORTUNITY TO FULLY

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THEN

17 RESPOND IF THIS IS THE DIRECTION THAT YOU ARE
18 LOOKING TO LEAN, TO TALK A LITTLE MORE IN DETAIL
19 ABOUT WHY I THINK WE ARE PREPARED TO DO THIS
NOW
20 AND WHY I DON'T THINK IT WOULD MAKE GOOD SENSE
FOR
21 THE BOARD STAFF, AS WELL QUALIFIED AS THEY ARE,
TO
22 DO THIS LONG DISTANCE OVERSIGHT OF SAN DIEGO
23 COUNTY, AND IN PARTICULAR THE CITY OF SAN
DIEGO.

24 AND I GUESS I WOULD JUST HAVE TO
SAY

25 THAT CERTAINLY TRAVEL AND COST ARE TWO
CONSIDERA-

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1 TIONS THAT WE WOULD HAVE. I MEAN I THINK THOSE
2 COSTS WOULD BE PASSED ALONG TO THE CITY. I
DON'T

3 THINK THAT YOUR STAFF IS GOING TO ABSORB THOSE
4 COSTS AND JUST LET THE CITY PICK UP WHAT YOU
FEEL

5 IS ADEQUATE TRAINING TO HIT THE GROUND. BUT WE
6 REALLY BELIEVE THAT OUR COMMUNITY, THE CITY OF
SAN

7 DIEGO, AND THE FACILITY OPERATORS, WHETHER
PUBLIC

8 SECTOR OR PRIVATE SECTOR OPERATORS, WILL BE
BETTER

9 SERVED BY AN LEA THAT IS IN THEIR OWN BACKYARD.

10 AND I CAN JUST DO WHAT I DID
BEFORE

11 THE PERMITTING AND ENFORCEMENT COMMITTEE IS
JUST

12 ASSURE YOU THAT I AM DEVOTING, EVEN THOUGH I'M
A

13 CONTRACT EMPLOYEE, A HUNDRED PERCENT PLUS OF
MY

14 TIME TO THIS PROGRAM, THAT I HAVE A CIVIL

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ENGINEER

15 THAT HAS BEEN FULLY ASSIGNED TO THE PROGRAM --
TO

16 THE CITY MANAGER'S OFFICE FOR THIS LEA. I
WON'T

17 SIT HERE AND TELL YOU THAT SHE WILL BE THAT
CIVIL

18 ENGINEER FROM HERE UNTIL ETERNITY BECAUSE
EVERYBODY

19 CAN WALK; BUT ON THE OTHER HAND, WE WANT TO
RECRUIT

20 OPENLY FOR THOSE POSITIONS. AND WE'RE NOT
LOOKING

21 TO PUT JUST ANYBODY INTO THESE POSITIONS, MYSELF
22 INCLUDED.

23 AND I'VE STOOD ON RECORD HERE
BEFORE

24 THE P&E COMMITTEE TO SAY THAT I WASN'T IN THE
25 RUNNING AS A PROGRAM MANAGER. AND THAT, YOU
KNOW,

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1 IN A LOT OF WAYS SHOULD GIVE YOU SOME FEELING
OF
2 CONFIDENCE THAT I'M NOT GOING TO BE RUN BY THE
3 CITY. I AM A CONTRACT EMPLOYEE, BUT I AM GOING
TO
4 DO WHAT'S RIGHT AS AN LEA, AS AN OFFICER OF THE
5 COURT, AND AS AN ATTORNEY, AND AS A FORMER LEA
AND
6 REGISTERED ENVIRONMENTAL SPECIALIST. I CAN
JUST
7 ASSURE YOU MY REPUTATION IS ON THE LINE, AND
I'M
8 NOT GOING TO BE USED BY THE CITY OF SAN DIEGO
OR
9 ANYBODY ELSE. I JUST WANT TO ASSURE YOU THAT
WE'RE
10 PREPARED, MS. GOTCH, TO GO FORWARD WITH THIS
NOW.
11 BUYING TIME RIGHT NOW WON'T BUY
US
12 ANYTHING. WHAT IT'S GOING TO DO IS INTERRUPT
THIS
13 CONTINUITY OF SERVICE THAT WE'RE PREPARED TO

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GIVE

14 TO THE FACILITIES THAT ARE OPERATING RIGHT NOW.

15 AND TO BREAK THAT WON'T BE IN THE BEST, I DON'T

16 THINK THE BEST USE OF OUR STAFF OR YOUR STAFF.

17 BOARD MEMBER CHESBRO: MR. CHAIRMAN,

THE

18 PROBLEMS THAT MR. JONES HAVE BROUGHT UP ARE

SERIOUS

19 ONES, AND I'VE SHARED, YOU KNOW, MY CONCERNS

ABOUT

20 ON THE ONE HAND SUPPORTING LEA'S, ON THE OTHER

HAND

21 MAKING SURE THAT WE'RE MAINTAINING A FLOOR OF

22 EXCELLENCE ABOVE WHICH WE EXPECT EVERY LEA TO

BE.

23 I THINK MOST OF THE PROBLEMS THAT

24 HAVE BEEN CITED THOUGH ARE POTENTIAL PROBLEMS.

I

25 DON'T THINK THAT THE LEA'S IN EXISTENCE SO WE

CAN

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1 REALLY GET A HANDLE ON IT. I THINK THAT THE
2 POTENTIALS FOR CONFLICT EXIST THROUGHOUT THE
STATE
3 IN ALMOST EVERY LEA. THE OVERSIGHT, USUALLY
IT'S A
4 COUNTY BEING THE LEA FOR A CITY LANDFILL. IT'S
NOT
5 THE OTHER WAY AROUND. BUT THE POTENTIAL
CONFLICTS
6 EXIST EVERYWHERE. AND I WOULD SAY THAT THE
7 RESOLUTION TO THE CONCERNS IS MORE ALONG THE
LINES
8 OF MONITORING THEIR PERFORMANCE AND SAYING THAT
WE
9 WILL GO AHEAD AND DESIGNATE, BUT SAY THAT WE
NEED
10 TO, GIVEN THE HIGH LEVEL OF CONCERN THAT'S BEEN
11 EXPRESSED BY MORE THAN ONE BOARD MEMBER AND THE
12 ISSUES THAT HAVE BEEN IDENTIFIED HERE, THAT WE,
YOU
13 KNOW, DO SOME ADDITIONAL LEVEL OF SCRUTINY AND
14 MONITORING OF THEIR PERFORMANCE INITIALLY. I
DON'T

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15 KNOW WHAT YOU'D CALL IT, KIND OF A PROBATIONARY
16 PERIOD OR WHATEVER YOU WANT, TO KIND OF MAKE
SURE

17 THAT THEY, IN FACT, DO RISE TO THE LEVEL THAT
WE

18 EXPECT OF EVERY LEA IN THE STATE.

19 THAT WOULD BE MY PREFERRED
SOLUTION

20 IN THE SITUATION RATHER THAN AT THIS POINT
HAVING

21 OUR STAFF STEP INTO THE SITUATION AND FUNCTION
IN

22 THE LEA. IT'S NOT TO DENY OR PLAY DOWN YOUR
VERY

23 LEGITIMATE CONCERNS THAT YOU'VE RAISED. I
THINK

24 THEY'RE SIMILAR TO ONES I'VE EXPRESSED IN
OTHER

25 SITUATIONS.

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1 BOARD MEMBER FRAZEE: LET'S EXAMINE
THE
2 DELAY SCENARIO FOR A MOMENT. UNDER THAT WE
WOULD
3 IN EFFECT DENY THIS APPLICATION AT THIS POINT.
WE
4 WOULD ASSUME THE ROLE OF LEA FOR A PERIOD UNTIL
THE
5 BEGINNING OF THE NEW FISCAL YEAR. AND BASED ON
6 THAT THEN, WE'RE ASKING THE CITY OF SAN DIEGO TO
GO
7 OUT AND HIRE ALL KINDS OF PERMANENT STAFF
WITHOUT
8 ANY ASSURANCE AT THAT POINT ONCE THEY HIRE
THOSE
9 PEOPLE. IT'S DIFFERENT, I THINK, IN MOST OF
THE
10 OTHER CASES THAT WE'VE EXPERIENCED WHERE
THERE'S
11 BEEN A SINGLE LEA, ONE PERSON, AND THAT PERSON
CAN
12 BE MOVED AND ABSORBED; BUT WHEN YOU'RE TALKING
13 ABOUT HIRING A COMPLETE STAFF, PUTTING THEM ON

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14 BOARD, AND THEN COMING BACK TO THIS BOARD FOR
FINAL

15 CERTIFICATION AND WE SAY, "WELL, NO. WE KIND OF
16 LIKE THIS BEING THE LEA. MAYBE WE'LL STICK WITH
17 THIS." WHAT DOES THE CITY DO WITH EIGHT OR TEN
OR

18 TWELVE PEOPLE THAT THEY HAVE HIRED AT THAT
POINT?

19 AND THAT, I GUESS, IS MY PRINCIPAL CONCERN OF
THE

20 DELAY SCENARIO.

21 I THINK WE OUGHT TO BITE THE
BULLET

22 AND GET IT OVER WITH, HOPE FOR THE BEST, INVOKE
THE

23 PROBATIONARY PERIOD, AND WORK WITH THIS INTERIM
24 STAFF TO SEE THAT THEY PERFORM THE FUNCTION WELL
25 AND WITHIN THE LAW.

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1 CHAIRMAN PENNINGTON: MR. RELIS.

2 BOARD MEMBER RELIS: MR. CHAIR, IN
3 COMMITTEE I VOTED WITH MR. FRAZEE TO MOVE THIS,
THE
4 RECOMMENDATION TO SUPPORT THE CITY BEING LEA
5 DESIGNATED. BUT LET ME JUST RAISE A COUPLE OF
6 POINTS THAT I THINK MAYBE HAVEN'T BEEN TOUCHED
ON
7 YET, AND I THINK THE ARGUMENTS HAVE BEEN
EXCELLENT

8 BOTH WAYS. THE WORKLOAD FACTOR. OKAY. NOW,
9 SUPPOSE WE WERE THE LEA. WE'VE MADE THIS -- AND
I
10 WAS THE ONE WHO USED THE TERM "MOONLIGHTING"
11 BECAUSE I SAW THIS ASSORTMENT OF PEOPLE AND
HOURS,
12 AND IT LOOKED A LITTLE STRANGE, SO I QUESTIONED
YOU
13 ON THAT.

14 BUT LET'S SUPPOSE WE'RE THE LEA.

I
15 MEAN WHAT'S THE FUNCTIONAL DIFFERENCE BETWEEN
16 GETTING ON THE PHONE AND ONE OF OUR PEOPLE HAS

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TO

17 SHOW UP FOR A MEETING AT SUCH-AND-SUCH A DATE

AND

18 THEY'RE BOOKED, YOU KNOW. I MEAN I'M NOT SAYING

19 THIS TO COUNTER SO MUCH AS JUST TO CLARIFY.

IS

20 THAT FUNCTIONALLY ANY DIFFERENT THAN THE

21 ARRANGEMENT THAT'S PROPOSED? AND IF NOT,

THEN I

22 THINK IT MAYBE UNDERMINES THAT PARTICULAR

LINE OF

23 REASONING.

24 I GUESS THE BOTTOM LINE IS, AS

MR.

25 FRAZEE SAYS, ARE THEY QUALIFIED? AND THE

ANSWER

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1 SEEMS TO BE YES. SO THE FUNCTIONS OF THE LEA
CAN

2 BE PERFORMED. I AGREE WITH MR. CHESBRO THAT
-- AND

3 I SAID THIS IN COMMITTEE -- IF WE GO DOWN THE
LINE

4 OF QUESTIONING THE MOTIVES HERE TOO FAR OR
THE

5 POTENTIAL CONFLICTS, WE COULD CARRY THIS
DISCUSSION

6 STATEWIDE. AND I CERTAINLY DON'T WANT TO DO
THAT.

7 SO I BELIEVE THAT MY CONCERNS HAVE BEEN
SATISFIED

8 PROVIDED WE WATCH THIS CLOSELY BECAUSE THAT
LETTER

9 DID -- I MEAN MY FACE VALUE READ OF THE
LETTER WAS

10 TROUBLING, YOU KNOW. AND I'VE HEARD AN
EXPLANATION

11 OF THAT, BUT, YOU KNOW, WHEN YOU ARE
BASICALLY --

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12 IF I'M NOT MISREADING THAT, IT SOUNDED LIKE,
WELL,

13 WE WOULD HOLD -- WE WOULD WANT TO SLOW DOWN
LOOKING

14 AT ANY LEA PERMITS COMING FORWARD.

15 NOW, IF I CAN BE ASSURED THAT
ISN'T

16 THE CASE, THEN I'M SATISFIED WITH THE LEA.

17 MR. CAREY: I CAN ASSURE YOU THAT
THAT'S

18 NOT THE INTENT, AND THAT WASN'T THE INTENT.
I CAN

19 SEE HOW THAT INTERPRETATION CAN BE MADE FROM
WHAT

20 YOU READ OF THAT LETTER. BUT THAT WASN'T THE

21 INTENT. THE INTENT WAS TO HAVE -- THIS
TRANSITION

22 WAS TO HAVE THIS COOPERATIVE WORKING
AGREEMENT WITH

23 THE COUNTY AND ANYTHING CAME IN THAT WE COULD
END

24 UP FINISHING BECAUSE, AS YOU SAID, IT TAKES A
LONG

25 TIME TO GET THESE PERMITS THROUGH. AND

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CERTAINLY

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1 WITHIN THE 90 DAYS THAT WE HAD STARTED THE
CLOCK

2 TICKING, THEY WEREN'T GOING TO BE ABLE TO GET
A

3 PERMIT IN AND PROBABLY GET IT OUT AT THE OTHER
END,

4 AND WE WERE GOING TO HAVE TO PICK UP THOSE
5 RESPONSIBILITIES AND MOVE FORWARD. AND WE
WANTED

6 TO HAVE THAT ABILITY TO WORK WITH THEM RIGHT
FROM

7 THE FRONT AND NOT HAVE IT HANDED OVER TO US
TODAY

8 OR TOMORROW.

9 BOARD MEMBER JONES: MR. CAREY, YOU
KNOW,

10 I AGREE. I MEAN I DON'T HAVE ANY PROBLEM WITH
WHAT

11 MY FELLOW BOARD MEMBERS ARE SAYING. I DON'T
KNOW

12 IF -- TWO THINGS COME UP. ONE IS THE COUNTY OF
SAN

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13 DIEGO WHO YOU WANTED -- WHO THE CITY WANTED TO
14 CONTRACT WITH READ THE SAME LETTER THAT I READ
AND
15 SAID WE CAN'T DO BUSINESS THIS WAY. CAN'T DO
16 BUSINESS HAVING TO GET AUTHORITY FROM THE
CITY
17 COUNCIL ON ANYTHING THAT GOES FORWARD BECAUSE
AS
18 THE LEA THOSE ARE SEPARATE DUTIES. SO THEY DID
NOT
19 GO FORWARD WITH IT.
20 MY QUESTION, AND I THINK MY
QUESTION
21 PROBABLY NEEDS TO BE TO MR. HEAP, IS THAT IF --
I'M
22 TALKING ABOUT TWO THINGS HERE, AND I DIDN'T MEAN
TO
23 SURPRISE YOU WITH THIS. I GOT THIS BETWEEN 12
AND
24 1:30 ON THIS BECAUSE IT'S -- YOU KNOW, HOW -- I
25 MEAN I HAVE A PROBLEM WITH A BUNCH OF PART-
TIME

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1 PEOPLE. I HAVE A REAL PROBLEM WITH STUFF NOT
2 MOVING THROUGH. I MEAN -- AND I KNOW I'VE
MADE

3 THAT CLEAR.

4 IF YOU ARE GOING TO LOSE 16 OF
YOUR

5 36 HOURS THAT ARE AVAILABLE TO YOU, I DON'T
THINK

6 YOU COMPLY WITH 43200 OF THE STATUTE. THAT'S
MY

7 CONCERN IS THAT BASED ON THE STAFFING, YOU
CAN'T

8 COMPLY. YOU GOT TO GO OUT AND FIND OTHER LEA'S
NOW

9 TO FILL THOSE HOLES. THAT IS AN ISSUE THAT
BOTHERS

10 ME.

11 SO I WOULD ASK MR. HEAP, AND HE
12 PROBABLY CAN'T ANSWER FOR THE CITY, BUT IF HE
13 WOULD, I WOULD LIKE TO ASK A QUESTION. I HAVE
SAID

14 I THINK YOU AS A CITY HAVE THE AUTHORITY TO DO
15 THESE THINGS BY STATUTE. I JUST HAVE A QUESTION

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16 DEALING WITH THE MANPOWER AND THOSE TYPES OF
17 THINGS, WHICH I'VE MADE CLEAR. YOU TRIED TO
ENTER
18 INTO -- YOU MEANING THE CITY -- TRIED TO ENTER
INTO
19 AN AGREEMENT WITH THE COUNTY IN THE INTERIM TO
20 FULFILL THOSE LEA OBLIGATIONS UNTIL YOU GOT
YOUR
21 OWN STAFF PUT TOGETHER. AND THE COUNTY
REJECTED
22 BECAUSE OF THOSE COUPLE OF CONDITIONS. THEY
23 WEREN'T COMFORTABLE WITH THE IDEA OF HAVING TO
GO
24 TO CITY COUNCIL.

25 MR. HEAP: I'M NOT SURE ABOUT THAT.
THAT

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1 MAY BE SOMETHING THE COUNTY INDICATED TO YOU.

I

2 WASN'T PRIVY TO THE MEETINGS WHEN THE COUNTY

3 ARTICULATED THE REASON WHY THEY DECIDED NOT TO

GO

4 FORWARD WITH THAT IDEA.

5 BOARD MEMBER JONES: ALL RIGHT. I'M

6 SORRY. IF THE BOARD WAS THE -- ASSUMED THE

ROLE,

7 DOESN'T DESIGNATE TODAY, AND CONTRACTED WITH

THE

8 COUNTY TO FULFILL THOSE SERVICES WHERE THEY

WOULD

9 ANSWER TO US IN THAT SIX-MONTH PERIOD, WOULD

THAT

10 HAVE ACHIEVED WHAT YOUR INITIAL GOAL WAS?

11 MR. HEAP: TO CONTRACT WITH THE

COUNTY?

12 BOARD MEMBER JONES: RIGHT.

13 MR. HEAP: INITIALLY, AND I WISH THAT

14 OTHERS WERE HERE TO ANSWER THIS. I'LL DO THE

BEST

15 I CAN TO ANSWER THIS QUESTION BECAUSE THIS IS

AN

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16 APPROPRIATE QUESTION. OBVIOUSLY, FROM THE
CITY'S

17 PERSPECTIVE, IT WOULD HAVE ASSISTED US IN
TAKING

18 UPON OURSELVES THE RESPONSIBILITY TO BE THE
LEA, TO

19 HAVE THE COUNTY HELP US IN THIS INTERIM
PERIOD, NO

20 DOUBT. I THINK THE RECORD'S CLEAR THAT
THAT'S THE

21 CASE.

22 BUT THE BOTTOM LINE IS THAT DID
NOT

23 HAPPEN. AND WE BELIEVE THAT THE BEST
ALTERNATIVE,

24 THE NEXT BEST ALTERNATIVE TO US, TO THE CITY
OF SAN

25 DIEGO, WOULD BE TO BECOME THE LEA BECAUSE WE

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1 BELIEVE WE'VE MET THE CONDITIONS ARTICULATED
AND
2 PROMULGATED IN THE STATUTES THAT ALLOW US TO
DO
3 THAT. SO WE BELIEVE THIS IS THE NEXT BEST
4 ALTERNATIVE. I UNDERSTAND YOUR QUESTION AND
5 UNDERSTAND WHAT YOU'RE SAYING AND SEEING HOW
THIS
6 IS AN ANALOGOUS SCENARIO, IF YOU WANT TO CALL
IT
7 THAT, BUT WE BELIEVE THAT THAT'S OBVIOUSLY NOT
WHAT
8 WE PREFER. WE REALLY TRULY BELIEVE, THE CITY OF
9 SAN DIEGO TRULY BELIEVES THAT WE'VE MET THE
10 REQUIREMENTS. WE'VE MET 43200.
11 AND THAT'S THE RIGHT FOCUS. HAVE
WE
12 MET 43200? AND THIS IS WHAT CONCERNS ME BECAUSE
13 WHEN WE GO INTO AND WE LOOK AT COUNCILMEMBER
KEHOE
14 AND WHAT SHE SAID AT THE COMMITTEE MEETING BACK
IN
15 JULY, IF WE LOOK AT A NEWSPAPER AND SEE WHAT

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16 HAPPENED IN A NEWSPAPER, YOU KNOW, AND QUOTES
IN A
17 NEWSPAPER, WE'RE SPECULATING AS TO WHY THOSE
18 STATEMENTS WERE MADE. I CAN, FOR EXAMPLE, WITH
19 COUNCILMEMBER KEHOE, WHY DID SHE MAKE THAT
20 STATEMENT IN THE COMMITTEE? I SUBMIT TO YOU IT
21 WASN'T BECAUSE OF THE LEA. SHE WASN'T RELYING
22 UPON, WELL, THE CITY IS NOW GOING TO BECOME THE
LEA
23 AND HAVE THIS INCREDIBLE AMOUNT OF CONTROL.
SHE
24 WASN'T RELYING UPON THAT. SHE DID MAKE THAT
25 STATEMENT, AND YOU WERE CORRECT IN ARTICULATING

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1 WHAT SHE STATED AT THAT COMMITTEE FOR WHICH I
2 ATTENDED.

3 BUT WHEN WE LOOK AT THE
STATEMENTS

4 THAT YOU'VE INDICATED THAT PEOPLE MADE IN THE
CITY

5 AND WE MAKE THE ASSUMPTION THAT IT'S BECAUSE
THE

6 CITY THINKS BECAUSE WE'RE GOING TO BECOME AN
LEA

7 THAT WE CAN DO THESE THINGS. AND THAT'S NOT
THE

8 CASE. I THINK THAT'S INAPPROPRIATE. I REALLY
DO.

9 I FEEL JUST AS PASSIONATE ABOUT THIS AS YOU DO,
MR.

10 JONES. I REALLY BELIEVE THAT THE CITY OF SAN
DIEGO

11 HAS MET THE CONDITIONS THAT ARE OUT THERE. AND
I

12 REALLY THINK THE FOCUS SHOULD BE ON 43200 AND
THE

13 STAFF ISSUE THAT YOU ARE BRINGING UP. I THINK

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14 THAT'S A REAL ISSUE. THAT'S WHAT NEEDS TO BE
15 DECIDED BY THIS BOARD. HAVE WE PUT STAFF
16 SUFFICIENT TO MEET THAT? IF WE HAVEN'T, WE
DON'T

17 DESERVE TO BE DESIGNATED. WE DON'T AND YOU
HAVE

18 THE POWER TO NOT DESIGNATE US, BUT WE BELIEVE
WE

19 DO.

20 AND THE LAST POINT I WANT TO MAKE
IS

21 BECAUSE, YOU KNOW, I'VE WORKED FOR THE CITY OF
SAN

22 DIEGO IN THE CITY ATTORNEY'S OFFICE FOR THE
LAST

23 TEN YEARS. THE CITY OF SAN DIEGO IS A GREAT
CITY.

24 WHEN WE TELL YOU THAT WE'RE GOING TO FULFILL
THIS

25 FUNCTION, WE WILL FULFILL THIS FUNCTION, WHETHER
IT

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1 BE MY OFFICE IN PROVIDING LEGAL ADVICE OR
WHETHER

2 IT BE THROUGH THE CITY MANAGER'S OFFICE. THIS
IS A

3 GREAT CITY. IT'S A GREAT CITY, AND IT WILL DO
WHAT

4 IT'S SUPPOSED TO DO AND IT WILL FUNCTION AS AN
LEA.

5 BOARD MEMBER JONES: MR. HEAP, I THINK
6 IT'S A GREAT CITY TOO, BELIEVE ME. I REALLY DO.
I

7 SPENT A LITTLE TIME IN SAN DIEGO WEARING A
UNIFORM.

8 BUT MY -- I THINK YOU ARE FULLY CAPABLE, BUT I
9 THINK THAT THE ISSUES -- AND I SAID IT AT
COMMITTEE

10 MEETING. I BROUGHT THE OTHER ISSUES UP, NOT TO
11 BASE MY DECISION ON, BUT TO PAINT A PICTURE
OF

12 MISS -- OF THE CITY, WHETHER IT BE THE
DECISION

13 MAKERS ON THE COUNCIL OR THE CITY MANAGER'S
OFFICE

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14 NOT FULLY COMPREHENDING WHAT THAT SEPARATION OF
15 POWER NEEDS TO BE. AND THAT'S -- AND THAT'S WHY
I

16 DID IT. THAT WAS THE ONLY REASON I DID IT THEN
AND

17 THAT'S WHY I DID IT AGAIN TODAY BECAUSE I DON'T
18 THINK THAT -- YOU KNOW, I THINK THEY'RE GETTING
19 THERE, BUT I'M NOT SURE THAT THEY UNDERSTAND
THAT

20 THE LEA ISN'T A TOOL THAT CAN BE USED TO KEEP
RATES

21 EQUALIZED.

22 BUT WHEN I WAS TALKING TO MR.
CAREY,

23 WE HAVE -- I DON'T KNOW IF HE'S AWARE THAT
PORTER

24 DIDN'T SIGN OR NOT. I DON'T KNOW THAT. I JUST
25 FOUND OUT WITHIN THE HOUR AND A HALF ABOUT THE

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1 OTHER TWO. IF I KNEW EARLIER, I WOULD HAVE
TOLD

2 YOU EARLIER. WHAT I'M SAYING IS YOU'RE DOWN TO
20

3 HOURS. YOU ARE GOING TO HAVE TO GO OUT AND GET
4 OTHER PEOPLE TO BE ABLE TO GET -- TO BE ABLE TO
5 FULFILL THE REQUIREMENTS OF 43200, PURE AND
SIMPLE.

6 MY QUESTION IS IF WE -- AND I
DON'T

7 CARE IF IT'S TO THE END OF THE FISCAL YEAR OR
IF

8 IT'S TILL A MONTH FROM NOW UNTIL YOU CAN GET
PEOPLE

9 IN PLACE. IF WE ARE THE EA AND WE CONTRACT WITH
10 THE COUNTY TO DO THOSE FUNCTIONS, TO BE ON-
SITE,

11 WHICH WAS YOUR -- NOT YOUR PREFERRED, NOT THE
12 PREFERRED METHOD, BUT A METHOD OF SATISFYING
US,

13 AND I'M SURE WE CAN GET MR. CAREY INVOLVED IN
14 SOMETHING, I DON'T KNOW, BUT -- AND WOULDN'T
THAT

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15 GIVE THE CITY THE TIME THAT IT NEEDED WITHOUT
16 DELAYING ANYTHING TO GO THROUGH THE
TRANSITIONAL
17 PERIOD WITH REGULAR PEOPLE BECAUSE WHAT YOU
ARE
18 ASKING US TO DO, AND IT WAS THROUGH YOUR OWN
19 TESTIMONY AT THE COMMITTEE, IS YOU'RE ASKING US
TO
20 CERTIFY A PROGRAM THAT NONE OF THE -- NONE OF
THE
21 PRINCIPALS WILL BE INVOLVED WITH IN SIX MONTHS.
SO
22 EVERYBODY THAT WE SEE HERE, EVERYTHING THAT IS
IN
23 THAT MANUAL OTHER THAN THE CORE PROGRAMS AND THE
24 TRAINING AND THAT TYPE OF STUFF, BUT THE PEOPLE,
25 THE PARTICIPANTS THAT WE ARE GOING TO BE
CERTIFYING

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1 TODAY, IF, IN FACT, WE DO, AREN'T GOING TO BE
THERE

2 IN SIX MONTHS. THEY'RE NOT GOING TO BE THERE.

3 SOMEBODY ELSE IS GOING TO BE THERE. SO THEN WE
GOT

4 TO GO THROUGH THIS AGAIN.

5 IF WE'RE THE EA AND YOU'RE

6 COMFORTABLE WITH THE FACT THAT THEY -- THE
COUNTY

7 WOULD ANSWER TO US, OKAY, THEY'D ANSWER TO
RALPH

8 AND TO THE BOARD AS TO PROVIDING THOSE
FUNCTIONS,

9 IN THE TIME THAT IT TOOK YOU, YOUR SERVICE,

10 ENVIRONMENTAL SERVICES PEOPLE, THE TIME THAT
IT

11 WOULD TAKE TO GET A COUPLE OF THE OTHER PIECES
IN

12 PLACE SO THAT YOU ARE NOT FACED WITH PEOPLE
THAT

13 HAVE SIGNED LETTERS OF AGREEMENT AND THEN FOR

14 REASONS OUT OF THEIR CONTROL THEIR BOSS SAYS,
NO,

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15 THEY'RE NOT GOING TO DO IT OR GERALD QUICK
DECIDES

16 HE DOESN'T WANT TO WORK EIGHT HOURS, I MEAN
EIGHT

17 DAYS A MONTH, HE ONLY WANTS TO WORK TWO.
BECAUSE

18 THE NEXT PERSON THAT LEAVES, IF THIS IS
ACCURATE,

19 WHAT THE COUNTY TOLD ME, THE NEXT ONE THAT
LEAVES,

20 UNLESS IT'S QUONG THAN, WHO'S ONLY GOING TO WORK
21 TWO DAYS A MONTH, IS GOING TO BRING YOU DOWN TO
22 SOMEWHERE BELOW 18 DAYS A MONTH OF PEOPLE THAT
ARE

23 GOING TO BE THERE TO PROVIDE SERVICES IF ONE
MORE

24 LEAVES.

25 I DON'T THINK THAT'S A GOOD PLACE
TO

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1 BE AS FAR AS GETTING THINGS DONE. BUT IF NOT
2 POSTPONING IT, BUT BEING THE EA AND CONTRACTING,
3 IF -- YOU KNOW, IF THAT'S AN OPTION THAT IS
4 REASONABLE TO YOU, THAT WOULD GIVE YOU THE TIME
FOR

5 MR. CAREY AND EVERYBODY TO PUT FULL-TIME PEOPLE
TO

6 YOU -- I DON'T KNOW. THAT'S WHY I ASKED YOU.

7 MR. CAREY: LET ME TRY TO ADDRESS THAT.

8 LIKE I SAY, THAT'S AN ELEMENT OF SURPRISE.
LIKE

9 YOU SAID, YOU VERBALLY HAVE GOTTEN THAT
INFORMA-

10 TION. I HAVE THE COMMITMENT LETTER SIGNED BY
THE

11 EMPLOYEES. OBVIOUSLY ANY EMPLOYEE, WHETHER
IT'S A

12 BOARD STAFF EMPLOYEE OR ANYBODY, CAN WALK ANY
TIME

13 THEY WANT. I OBVIOUSLY WILL HAVE THAT CHALLENGE
TO

14 BACKFILL THOSE KIND OF POSITIONS IF SOMEBODY
DOES

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15 THAT. I CAN TELL YOU WHEN YOU LOOK AT OUR TIME
16 TASK ANALYSIS, AND THAT I THINK YOUR BOARD
STAFF
17 WILL BE ABLE TO LOOK AT THAT TOO, THAT A LOT
OF
18 TIME THAT IS SET ASIDE FOR INSPECTORS AND
CIVIL
19 ENGINEERS AND PROGRAM MANAGERS IS SPENT IN
TRAINING
20 AND MEETINGS AND WHAT HAVE YOU, ANCILLARY TYPE
OF
21 DUTIES AND NOT FULL INSPECTIONS.
22 WE ONLY HAVE THREE FACILITIES
WITHIN
23 THE CITY OF SAN DIEGO THAT NEED MONTHLY INSPEC-
24 TIONS. SO WE CAN HAVE -- WE CAN HAVE THIS SORT
OF
25 GIVE-AND-TAKE. IF SOMEBODY WAS TO LEAVE, WE

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1 WOULDN'T HAVE TO SAY, "MY GOSH. WE NEED AN
2 INDIVIDUAL IMMEDIATELY IN ORDER TO MAKE THESE
THREE
3 INSPECTIONS THIS MONTH." I PERSONALLY HAVE THE
4 QUALIFICATIONS TO MAKE THOSE KINDS OF
INSPECTIONS,
5 CIVIL ENGINEER, WHO IS FULL TIME, HAS THAT. WE
6 HAVE TWO FULL-TIME STAFF THAT WILL BE
REGARDLESS.
7 I'M NOT WALKING AND THE CIVIL ENGINEER IS NOT
8 WALKING. THEN WE BACKFILL WITH THOSE PART-TIME
9 EMPLOYEES THAT YOU'VE JUST REFERRED TO.
10 I'M STILL NOT CONVINCED THAT THE
11 COUNTY IS GOING TO DIRECT THOSE EMPLOYEES THAT
12 THOSE ARE SOME SORT OF INCOMPATIBLE ACTIVITIES
THAT
13 THEY CAN'T PERFORM. AFTER HAVING GONE ALL THE
WAY
14 THROUGH THEIR PERSONNEL DEPARTMENT, AND I KNOW
IT'S
15 GONE THROUGH THE HUMAN RESOURCES DEPARTMENT AND
16 EVERYTHING, SO IF THAT HAPPENS, IT HAPPENS.
AND

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17 JUST LIKE ANY EMPLOYEE WALKING ON ANYBODY, YOU
DO

18 THE BEST YOU CAN. YOU GET STAFF TO BACKFILL.

19 I LIKE THE SUGGESTION THAT MR.
FRAZEE

20 HAD AND MR. CHESBRO HAD. IF YOU ARE SO
CONCERNED

21 ABOUT THIS, WE'RE ALREADY ON TEMPORARY
CERTIFICA-

22 TION. PUTTING US ON PROBATION DOESN'T REALLY -
- I

23 MEAN IF THAT GIVES YOU SOME SORT OF FEELING
THAT

24 YOU CAN DO SOMETHING QUICKLY AND STEP IN MORE

25 EFFICIENTLY, I'D BE HAPPY TO DO THAT. I THINK
THAT

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1 WHAT THIS BOARD SHOULD DO IS MOVE FORWARD WITH
THE

2 CERTIFICATION. IF YOU WANT TO ASK YOUR
EXECUTIVE

3 DIRECTOR TO DIRECT STAFF TO HELP US TO MAKE
SURE

4 THAT WE'RE REALLY DOING THE WORK THAT NEEDS TO
BE

5 DONE DOWN THERE, THEN DEDICATE YOUR
ENFORCEMENT

6 STAFF TO ME, NOT TO THE COUNTY. DON'T KEEP THAT
7 JURISDICTION HERE. CONTINUE TO BE THE OVERSIGHT
OF

8 THIS WHOLE PROGRAM AT THE STATE LEVEL, GIVE ME
THE

9 CERTIFICATION AT THE CITY, AND THEN LOAN ME

10 WHATEVER STAFF I MIGHT NEED THROUGH YOUR

11 ENFORCEMENT STAFF. THAT MAY BE ANOTHER
COMPROMISE

12 THAT COULD BE WORKED OUT. WE'D BE HAPPY TO
DISCUSS

13 THAT WITH YOU.

14 CHAIRMAN PENNINGTON: I THINK IF
THERE'S

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15 NO FURTHER DISCUSSION, I'M READY TO ENTERTAIN A
16 MOTION.

17 BOARD MEMBER JONES: I'D --

18 BOARD MEMBER FRAZEE: MR. CHAIRMAN, I
19 WOULD MOVE ADOPTION OF RESOLUTION 97-508.

20 BOARD MEMBER CHESBRO: I'LL SECOND IT.

21 BOARD MEMBER JONES: MR. CHAIRMAN.

22 BOARD MEMBER GOTCH: LET'S SEE. THIS
23 IS -- I'D LIKE TO INCLUDE IN THE MOTION THEN,
IF I

24 MAY ASK THIS OF THE MOTION MAKER, THAT WE
INCLUDE

25 THE SUGGESTION THAT MR. CHESBRO HAD MADE WITH
THE

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1 EVALUATION UPDATES, THAT STAFF WOULD DESIGNATE
HOW

2 MANY, HOW OFTEN AS WE DISCUSSED EARLIER.

3 BOARD MEMBER CHESBRO: BASICALLY
REPORT

4 BACK TO THE COMMITTEE IF -- THE P&E COMMITTEE ON
5 STATUS AND PROGRESS OF THE LEA.

6 BOARD MEMBER FRAZEE: I WAS USING,
PERHAPS

7 NOT CORRECTLY, BUT INTERCHANGEABLY THE WORDS

8 "TEMPORARY" AND "PROBATIONARY" IN THE SAME
CONTEXT.

9 AND THE RESOLUTION DOES INDICATE TEMPORARY.

10 BOARD MEMBER CHESBRO: OKAY. AND I WAS
11 TRYING TO INCREASE THE COMFORT LEVEL OF THE
BOARD

12 MEMBERS WHO STILL AREN'T QUITE THERE. SO I
DON'T

13 KNOW THERE'S ANYTHING ELSE WE COULD ADD TO IT
THAT

14 WOULD --

15 BOARD MEMBER FRAZEE: AS THE MAKER OF
THE

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16 MOTION, I HAVE NO PROBLEM WITH PERIODIC REPORT
17 BACKS ON PROGRESS BEING MADE, AND I'LL INCLUDE
18 THAT
19 IN THE MOTION.

19 BOARD MEMBER JONES: MR. CHAIRMAN,
20 FOR
21 SOME DISCUSSION BEFORE I MAKE A SUBSTITUTE
22 MOTION.

23 THERE'S NO WAY THAT ANY PERIODIC REVIEW IS
24 GOING TO

25 TELL YOU WHEN THIS DOCUMENT IS IN A PROCESS.
26 IF I

27 SUBMIT A PERMIT TO AN LEA, WE ARE NOT GOING TO
28 KNOW

29 WHERE IT IS IN THE PROCESS, WHOSE DESK IT'S
30 SITTING

31 ON, OR HOW LONG IT HAS BEEN SINCE IT HAS BEEN

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1 ADDRESSED. INSPECTIONS ARE THE LEAST OF WHAT
AN

2 LEA DOES. IT IS THE BOOKWORK, IT IS THE
HEARINGS,

3 IT IS THE PANELS, IT IS THOSE TYPES OF THINGS
THAT

4 AN LEA STAFF HAS TO BE AVAILABLE FOR.

5 THE INSPECTIONS HAPPEN ONCE A
MONTH.

6 THIS STUFF GOES ON EVERY DAY, AND RIGHT NOW
THEY'VE

7 GOT A STAFF OF 20 HOURS. AND THAT -- I DON'T
KNOW

8 HOW WE CAN QUANTIFY THAT THAT DOCUMENT IS GOING
9 THROUGH. IF THERE WAS A PLACE, BELIEVE ME,
I'D

10 HAVE FOUND IT A LOT YEARS AGO WHERE I COULD
FIND

11 OUT WHERE SOME OF MY DOCUMENTS WERE IN THE
PROCESS,

12 BUT THEY NEVER SEEM TO KNOW. AND MY PROBLEM
WOULD

13 BE IF WE SENT SOMEBODY DOWN THERE AND, GOD
FORBID,

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14 MR. CAREY WAS OUT AT A SITE AND IT WAS ONE OF
THOSE

15 TWO DAYS THAT NOBODY WAS IN THE OFFICE, WE'D
HAVE

16 TO SPEND THE NIGHT ANYWAY TO WAIT AND FIND OUT
17 WHERE THAT THING IS.

18 SO I WOULD LIKE TO MAKE A
SUBSTITUTE

19 MOTION. MY SUBSTITUTE MOTION WOULD BE THAT WE
20 DISAPPROVE THE EPP, NOT ISSUE -- OKAY. HOW
ABOUT

21 THIS, THAT WE NOT ISSUE THE REQUEST FOR
CERTIFICA-

22 TION AND, THEREFORE, DISAPPROVE THE
DESIGNATION,

23 AND THAT THE BOARD WILL SERVE AS THE
ENFORCEMENT

24 AGENT FOR THE JURISDICTION UNTIL THE CITY CAN
BRING

25 FORWARD A, AS THEY HAD ALREADY PROJECTED, A

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1 FULL-TIME STAFF IN JUNE OR JULY. AND IF YOU
WANT,

2 I WILL PUT IN THERE THAT WE WILL -- IF THE CITY
IS

3 COMFORTABLE, WE'LL CONTRACT WITH MR. CAREY OR
THE

4 COUNTY OF SAN DIEGO -- I THINK I BETTER SAY THE
5 COUNTY OF SAN DIEGO, AND WE'LL SEE WHAT WE CAN
DO

6 ABOUT MR. CAREY. THAT'S MY MOTION.

7 CHAIRMAN PENNINGTON: JUST TO GET IT
TO A

8 VOTE, I'LL SECOND IT. I'M NOT SURE WE NEED
THAT

9 BECAUSE IF WE DENY THE OTHER ONE, GETTING THE
SAME

10 THING. BUT ANY DISCUSSION?

11 BOARD MEMBER FRAZEE: YES, JUST ON MR.
12 JONES' CONCERN ABOUT, AND I SHARE HIS CONCERN
ABOUT

13 MOVING PERMIT ACTIVITY ALONG IN AN APPROPRIATE
14 MANNER. I HAVE NOT HEARD, I DON'T THINK THERE
ARE

15 ANY PERMITS PENDING IN THE COUNTY OF SAN DIEGO

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OVER

16 THE NEXT SIX OR SEVEN MONTHS THAT WOULD AFFECT
THAT

17 ANYWAY. I DON'T THINK THAT THERE IS A PENDING
18 MAJOR WORKLOAD IN THE PERMIT SECTION COMING UP
IN

19 SAN DIEGO COUNTY.

20 BOARD MEMBER JONES: I'M NOT SURE THERE
21 IS, BUT THE CITY MANAGER OR MR. CONRAD MADE
SURE

22 THAT IT WAS A CONDITION THAT THE COUNTY
WOULDN'T

23 PUT ANY OF THEM THROUGH, SO THAT -- WITHOUT
HIS

24 PERMISSION, SO I WORRY ABOUT THAT.

25 CHAIRMAN PENNINGTON: OKAY. IF
THERE'S NO

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1 FURTHER DISCUSSION, LET'S TAKE THE FIRST VOTE
ON

2 THE SUBSTITUTE MOTION. SECRETARY WILL CALL
THE

3 ROLL.

4 THE SECRETARY: BOARD MEMBER
CHESBRO.

5 BOARD MEMBER CHESBRO: NO.

6 THE SECRETARY: FRAZEE.

7 BOARD MEMBER FRAZEE: NO.

8 THE SECRETARY: GOTCH.

9 BOARD MEMBER GOTCH: AYE.

10 THE SECRETARY: JONES.

11 BOARD MEMBER JONES: AYE.

12 THE SECRETARY: RELIS.

13 BOARD MEMBER RELIS: NO.

14 THE SECRETARY: CHAIRMAN PENNINGTON.

15 CHAIRMAN PENNINGTON: AYE. THAT MEANS

16 THE MOTION FAILS THOUGH. OKAY. NOW WE'LL MOVE
TO

17 THE MAIN MOTION, MR. FRAZEE'S MOTION. IF YOU
WILL

18 CALL THE ROLL ON THAT.

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19 THE SECRETARY: BOARD MEMBER CHESBRO.

20 BOARD MEMBER CHESBRO: AYE.

21 THE SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE: AYE.

23 THE SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: AYE.

25 THE SECRETARY: JONES.

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1 BOARD MEMBER JONES: NO.

2 THE SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 THE SECRETARY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: NO. MOTION

6 CARRIES.

7 WE WILL NOW MOVE TO ITEM 26. ITEM
26

8 WAS ON THE CONSENT CALENDAR. WE PULLED IT FROM

9 THE --

10 BOARD MEMBER JONES: CAN I ASK A
QUESTION,

11 MR. CHAIRMAN, ON THIS. IT'S PROBATIONARY,
CORRECT?

12 WE ARE NOT ISSUING CERTIFICATION PERMANENTLY.

13 MR. UNSELL: IT IS THE TEMPORARY
14 CERTIFICATION.

15 BOARD MEMBER JONES: COME BACK IN FRONT
OF

16 THIS BOARD PRIOR TO ANY PERMANENT CERTIFICATION
17 STATUS?

18 MR. UNSELL: TYPICALLY IN THE PAST FOR
19 TEMPORARY CERTIFICATION, AT THE END OF THE
20 TEMPORARY TIME FRAME, THERE IS AN EVALUATION DONE

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21 FOR COMPLIANCE OF THE REGULATORY AND STATUTORY
22 REQUIREMENTS. AND IF THOSE HAVE BEEN COMPLIED
23 WITH, THEN THOSE ARE BROUGHT BACK AS A FULL
24 CERTIFICATION TO THE P&E COMMITTEE.

25 BOARD MEMBER JONES: IT COMES TO THE
 194

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1 COMMITTEE.

2 MR. UNSELL: CORRECT. THERE'S NOTHING
3 THAT PRECLUDES ANY TRIGGER POINTS FOR US TO
DETECT

4 FOR AN EARLIER EVALUATION SHOULD THERE BE
5 INCONSISTENCIES IN APPLICATION FROM THE LEA.

6 CHAIRMAN PENNINGTON: OKAY. OKAY.
MOVING

7 ON TO -- ITEM 26 WAS ON THE CONSENT CALENDAR.
WE

8 PULLED IT OFF BECAUSE A MEMBER OF THE PUBLIC HAD
9 INDICATED THAT HE WOULD LIKE THAT AND THEY WOULD
BE

10 HERE. MR. SUNSWHEAT IS NOT HERE. HE NOTIFIED
HE

11 WOULD NOT BE HERE. SO WE CAN GO INTO IT
12 FULL-BLOWN. I THINK THERE WAS BOARD INTEREST IN
13 SOME COMMENTS OR SOMETHING. IS THAT RIGHT, MR.
14 CHESBRO?

15 BOARD MEMBER CHESBRO: I HAD A COMMENT
I

16 WAS GOING TO MAKE BEFORE WE VOTED ON IT. I
WASN'T

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17 GOING TO PROPOSE ANYTHING OTHER THAN
RECOMMENDA-

18 TION.

19 CHAIRMAN PENNINGTON: I THINK WE'RE
20 PREPARED TO VOTE ON IT SINCE IT WAS ON CONSENT
21 UNLESS SOMEBODY WANTS A STAFF.

22 BOARD MEMBER CHESBRO: I DON'T THINK
23 THAT'S NECESSARY. CAN I JUST SAY, WHILE I
REALIZE

24 THIS IS VERY GENERAL AUTHORITY ITEM THAT
RECOGNIZES

25 THE BOARD'S ABILITY TO REGULATE THE
WASTESTREAM, I

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1 DID HAVE SOME ISSUES REGARDING THE DEFINITION
OF

2 INERT AS WELL AS THE MINING RECLAMATION
LANGUAGE.

3 AND I'D JUST LIKE TO LET OUR STAFF KNOW THAT
I'M

4 CONCERNED ABOUT A DEFINITION OF INERT THAT
COULD

5 INCLUDE WASTE TIRES, AND I WOULD NOT LIKE TO
SEE

6 MINE RECLAMATION TURN INTO SHAM DISPOSAL, IF
YOU

7 WILL.

8 THE WORST CASE WOULD BE FOR TIRES
TO

9 BE CONSIDERED INERT AND HAVE THEM DUMPED AT A
MINE

10 SITE UNDER THE GUISE OF RECLAMATION. SO JUST
KIND

11 OF WANTED TO GET THAT OUT THERE ON THE RECORD

12 BEFORE WE PROCEEDED. I KNOW THAT IT'S OPEN TO

13 INTERPRETATION AND QUESTION AT THIS POINT, BUT
JUST

14 WANTED TO EXPRESS THAT CONCERN.

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15 CHAIRMAN PENNINGTON: AND I -- THE
CHAIR
16 WHOLEHEARTEDLY AGREES WITH YOU. I WAS CONCERNED
17 ABOUT THAT ISSUE TOO, THAT WE ARE MINDFUL THAT
WE
18 DON'T CREATE SOMEPLACE, AN OPEN HOLE THAT
PEOPLE
19 ARE JUST THROWING TIRES INTO AND WE COULD HAVE
A
20 SMOKESTACK THERE. MR. JONES.
21 BOARD MEMBER JONES: MR. CHAIRMAN, I
AGREE
22 WITH YOU, BOTH OF YOU. OKAY. BUT I'M
WONDERING,
23 TIRES ARE INERT BY DEFINITION THROUGHOUT FEDERAL
24 AND EVERYTHING. SO I THINK ONE OF THE
MECHANISMS
25 HAS TO BE IS THAT WE IDENTIFY IT SEPARATELY.
YOU

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1 KNOW WHAT I MEAN? BECAUSE I DON'T THINK WE WANT
TO

2 GET INTO THE HABIT OF REDEFINING WHAT THE REST
OF

3 THE WORLD KNOWS IS INERT.

4 CHAIRMAN PENNINGTON: I THINK THAT'S
WHAT

5 WE'RE ASKING STAFF, TO MAKE SURE WE UNDERSTAND
WHAT

6 THAT IS. THEREFORE, THERE BEING NO FURTHER
7 DISCUSSION, LET'S HAVE THE SECRETARY CALL THE
ROLL

8 ON THAT.

9 BOARD MEMBER RELIS: I'LL MOVE IT.
10 CONSIDERATION OF THE LEGAL AUTHORITY AND STAFF
11 OPTIONS RELATED TO CONSTRUCTION, DEMOLITION,
INERT

12 TIER REGULATIONS.

13 CHAIRMAN PENNINGTON: SECOND.
SECRETARY

14 CALL THE ROLL.

15 THE SECRETARY: BOARD MEMBER CHESBRO.

16 BOARD MEMBER CHESBRO: AYE.

17 THE SECRETARY: FRAZEE.

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18 BOARD MEMBER FRAZEE: AYE.

19 THE SECRETARY: GOTCH.

20 BOARD MEMBER GOTCH: AYE.

21 THE SECRETARY: JONES.

22 BOARD MEMBER JONES: AYE.

23 THE SECRETARY: RELIS.

24 BOARD MEMBER RELIS: AYE.

25 THE SECRETARY: CHAIRMAN PENNINGTON.

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1 CHAIRMAN PENNINGTON: AYE. MOTION
2 CARRIES.
3 MOVE TO ITEM 29, UPDATE ON STAFF'S
4 EFFORTS TO DEVELOP -- NO, WELL, WE MISSED ONE
HERE,
5 DIDN'T WE?
6 ITEM 29, UPDATE ON THE STAFF'S
7 EFFORTS TO DEVELOP QUANTITATIVE MEASUREMENT
TOOLS
8 FOR USE BY LOCAL JURISDICTIONS. JUDY
FRIEDMAN.
9 MS. FRIEDMAN: GOOD AFTERNOON,
CHAIRMAN
10 PENNINGTON AND BOARD MEMBERS. STAFF PRESENTED
AN
11 UPDATE ON THE PROGRESS OF A SYSTEM TOOL
DEVELOPMENT
12 TO THE LOCAL ASSISTANCE AND PLANNING COMMITTEE
IN
13 OCTOBER. AT THAT TIME STAFF WAS DIRECTED BY THE
14 COMMITTEE TO PRESENT THIS UPDATE TO THE BOARD
SO
15 THAT THE BOARD COULD BE APPRISED OF SOME OF
THE

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16 TOOLS THAT WE HAVE BEEN WORKING ON AND THEIR
17 STATUS.

18 STAFF WILL NOW PROVIDE AN UPDATE
ON A

19 COUPLE OF THE TOOLS, THE DIVERSION STUDY GUIDE
AND

20 THE WASTE CHARACTERIZATION DATABASE. AND NANCY
21 CARR AND CHRIS SCHMIDLE WILL MAKE THE
PRESENTATION

22 FOR STAFF.

23 MR. SCHMIDLE: GOOD AFTERNOON, CHAIRMAN
24 AND BOARD MEMBERS. ONE OF THE WASTE
CHARACTERI-

25 ZATION AND ANALYSIS BRANCH'S FUNCTIONS IS TO

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1 DEVELOP QUANTITATIVE TOOLS TO HELP
JURISDICTIONS

2 IMPROVE THE WASTE MEASUREMENT SYSTEMS. TWO
3 PRINCIPAL TOOLS ARE CURRENTLY UNDER DEVELOPMENT
BY
4 THE BRANCH, A DIVERSION MEASUREMENT GUIDE AND A
5 WASTE CHARACTERIZATION DATABASE.

6 STAFF'S PRESENTATION THIS
AFTERNOON

7 CONSISTS OF A BRIEF DESCRIPTION AND DEVELOPMENT
8 PROGRESS UPDATE BY THE PROJECT MANAGER FOR EACH
OF
9 THE NEW TOOLS, AND STAFF ARE HERE TO GIVE YOU
AN
10 OPPORTUNITY TO ASK ANY QUESTIONS YOU MAY HAVE
ABOUT
11 THE PROJECTS AND THE INTENDED PRODUCTS.

12 I'D LIKE TO START WITH THE REPORT
ON

13 THE DIVERSION MEASUREMENT GUIDE. MANY JURISDIC-
14 TIONS HAVE TOLD STAFF THAT THEY EXPERIENCE
GREAT

15 DIFFICULTY AND COSTS WHILE PERFORMING THE

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WASTE

16 DIVERSION ESTIMATION PORTION OF THEIR 1990
17 BASE-YEAR SOLID WASTE GENERATION STUDIES AND
THAT

18 THE RESULTS OBTAINED FROM THE STUDIES OFTEN
SEEM TO

19 UNDERCOUNT THEIR ACTUAL DIVERSION TONNAGE.
BECAUSE

20 OF THIS AND OTHER TYPES OF DATA MEASUREMENT
ERRORS,

21 SOME JURISDICTIONS WOULD LIKE TO ESTABLISH NEW
AND

22 MORE ACCURATE BASE-YEAR WASTE GENERATION
TONNAGE

23 NUMBERS USING DATA FROM THE BOARD'S DISPOSAL
24 REPORTING SYSTEM AND THE RESULTS OF A NEW
DIVERSION

25 STUDY.

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1 OTHER JURISDICTIONS FEEL THAT IT
2 WOULD BE MORE ACCURATE FOR THEM TO CALCULATE
THEIR
3 DIVERSION RATE BY TRACKING THEIR GENERATION ON
AN
4 ANNUAL BASIS. IN BOTH CASES JURISDICTIONS AND
THE
5 WASTE HAULERS HAVE ASKED BOARD STAFF FOR
ASSISTANCE
6 AND ADVICE ON BETTER WAYS TO ESTIMATE THEIR
7 DIVERSION TONNAGE. DR. EUGENE TSENG OF UCLA HAS
8 BEEN WORKING WITH STAFF SINCE EARLY 1996 TO
ANALYZE
9 THE PROBLEMS ENCOUNTERED BY JURISDICTIONS AND
THE
10 WASTE INDUSTRY IN THEIR BASE-YEAR GENERATION
11 STUDIES. BASED ON HIS RESEARCH, DR. TSENG AND I
12 ARE NOW DEVELOPING A WASTE DIVERSION
MEASUREMENT
13 GUIDE WHICH WILL ADDRESS SOME OF THE
IDENTIFIED
14 DATA PROBLEMS.
15 THE GUIDE IS A TECHNICAL

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ASSISTANCE

16 DOCUMENT AIMED PRIMARILY AT THE JURISDICTION
STAFF.

17 IT WILL ASSIST THEM TO GENERALLY UNDERSTAND WHAT
18 DIVERTED MATERIALS CONSIST OF AND HOW TO FIND
AND

19 QUANTIFY THE MATERIALS. IT WILL ALSO HELP
20 JURISDICTIONS EVALUATE THE QUALITY OF THEIR
21 EXISTING DIVERSION DATA, REPAIR OR SUPPLEMENT
THE

22 DATA, IF POSSIBLE, AND DETERMINE WHETHER AN
23 ENTIRELY NEW DIVERSION MEASUREMENT STUDY IS
NEEDED.

24 IF THE NEW DIVERSION STUDY IS INDICATED, THE
GUIDE

25 WILL HELP THEM DEVELOP A MORE CURRENT TONNAGE
DATA

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1 THAT WILL GIVE FULL CREDIT FOR ALL THE
JURISDIC-
2 TION'S DIVERSION ACTIVITIES.
3 SPECIFICALLY, THE GUIDE
ADDRESSES
4 WHAT DR. TSENG BELIEVES TO BE THE THREE MOST
5 SIGNIFICANT DIVERSION QUANTIFICATION
PROBLEMS:
6 IDENTIFYING MISSING SOURCES OF DIVERSION
DATA,
7 DEVELOPING MORE ACCURATE ESTIMATES OF THE
TONNAGE,
8 AND PROPERLY DOCUMENTING THE DIVERSION PROGRAM
9 RESULTS.
10 THE GUIDE CONTAINS DIVERSION
SURVEY
11 MANAGEMENT TECHNIQUES, DATA COLLECTION
STRATEGIES
12 TO MINIMIZE TIME AND LABOR COSTS, CONVERSION
13 FORMULAS, AND RULES OF THUMB FOR MAKING TONNAGE
14 ESTIMATES, CASE STUDIES FROM OTHER
JURISDICTIONS,

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15 REPRODUCIBLE MODEL FORMS FOR DATA COLLECTION,
16 AND

16 COPIES OF BOARD REGULATIONS ON DIVERSION.

17 ALTHOUGH THE PRIMARY FOCUS OF
18 THE

18 GUIDE WILL BE TO DEVELOP MORE ACCURATE BASE-
19 YEAR

19 DATA FOR CALCULATING DIVERSION RATES, THE

20 COLLECTION OF NEW DATA WILL HAVE ADDITIONAL

21 BENEFITS. DIVERSION AUDITS ARE A MAJOR TOOL
22 FOR

22 EDUCATING BUSINESSES ABOUT THE ABILITY OF
23 SOURCE

23 REDUCTION PROGRAMS TO SAVE MONEY. DIVERSION
24 SURVEY

24 PLANNING WILL STIMULATE LOCAL STAFF TO REANALYZE

25 EXISTING PROGRAM RESULTS AND THINK OF NEW WAYS
TO

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1 INCREASE DIVERSION TONNAGE.

2 NEW DIVERSION DATA DERIVED FROM
ONE

3 LOCAL SOURCE CAN OFTEN BE USED AS A MODEL TO

4 INFLUENCE OTHER SIMILAR BUSINESSES. THE FIRST

5 DRAFT OF THE GUIDE WILL BE CIRCULATED FOR
COMMENT

6 INSIDE THE BOARD AND THEN TO A REVIEW GROUP OF

7 JURISDICTION AND INDUSTRY REPRESENTATIVES. THE

8 FINAL PUBLIC VERSION WILL BE AVAILABLE THIS
WINTER

9 AND BE PLACED ON THE BOARD'S PUBLIC ACCESS WEB
SITE

10 IN THE SPRING OF '98.

11 THAT ENDS MY FORMAL PRESENTATION.
DO

12 YOU HAVE ANY QUESTIONS ABOUT THE PROJECT?

13 CHAIRMAN PENNINGTON: QUESTIONS?

14 QUESTIONS?

15 BOARD MEMBER RELIS: JUST BASED ON
WHAT I

16 HEAR OUT THERE, GOOD LUCK. WE NEED TO CLOSE
SOME

17 OF THOSE DEBATES OVER THE -- THAT HAVE, I

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GUESS ,

18 HAVE DOGGED THE WHOLE EFFORT OVER THE LAST FEW
19 YEARS. IF YOU CAN DO IT WITH THIS SET OF
TOOLS ,

20 THIS WOULD HELP THE BOARD IMMENSELY.

21 MR. SCHMIDLE: WE'RE GOING TO TRY.

22 THERE'S A CONSIDERABLE INTEREST IN THIS GUIDE
23 ALREADY.

24 BOARD MEMBER CHESBRO: THE THING I'M
25 PLEASED ABOUT, MR. CHAIRMAN, IS WE'VE SPENT
QUITE A

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1 BIT OF TIME DEVELOPING THIS DATABASE AND
PROCESS,

2 AND IT'S NOW BEING MADE ACCESSIBLE AND BEING
3 MARKETED, IF YOU WILL, OR PUT OUT THERE IN A
WAY

4 THAT WILL BE VERY USABLE. AND I'VE BEEN A
LITTLE

5 BIT IMPATIENT WITH THAT AND WONDERING WHEN WE
WERE

6 GOING TO FINALLY PUT IT IN A FORM THAT IT WOULD
BE

7 REALLY ACCESSIBLE. AND I THINK THAT WE'VE
GOTTEN

8 TO THAT POINT OR WE'RE VERY CLOSE TO IT, I
SHOULD

9 SAY. IT'S NOT ACTUALLY COMPLETELY THERE YET,
BUT

10 THIS IS A REPORT ON THAT VERY, VERY IMPORTANT
11 STEP.

12 CHAIRMAN PENNINGTON: VERY GOOD.

13 MR. SCHMIDLE: I'D NOW LIKE TO
INTRODUCE

14 MISS CARR, WHO WILL OUTLINE HER PROGRESS IN
15 DEVELOPING THE DISPOSAL CHARACTERIZATION

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DATABASE.

16 MS. CARR: THE WASTE CHARACTERIZATION
17 DATABASE WAS DEVELOPED AS PART OF THE UNIFORM
WASTE

18 DISPOSAL CHARACTERIZATION METHOD, WHICH
JURISDIC-

19 TIONS WILL USE TO DEVELOP WASTESTREAM DATA. THE
20 STATUTE MANDATED THAT THE BOARD DEVELOP THIS
21 METHOD.

22 THE METHOD ALLOWS JURISDICTIONS TO
23 USE DEFAULT DATA FROM THE DATABASE TO PREPARE
WASTE

24 CHARACTERIZATION STUDIES. THE COMMERCIAL SECTOR
25 DATABASE COMBINES TWO TYPES OF
INFORMATION. ONE,

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1 DATA ON THE TYPES AND AMOUNTS OF
MATERIALS

2 TYPICALLY DISPOSED BY BUSINESSES; AND,
TWO,

3 INFORMATION ON THE NUMBERS AND TYPES OF
BUSINESSES

4 IN THE LOCAL JURISDICTION.

5 STAFF IS ADDING TO ADD
RESIDENTIAL

6 WASTESTREAM DATA TO THE DATABASE AND TO HAVE
THE

7 ENTIRE DATABASE AVAILABLE ON THE BOARD'S WEB
SITE

8 BY EARLY 1998. AT PRESENT THE DATABASE CAN
PROVIDE

9 OVERVIEW INFORMATION ON THE COMMERCIAL SECTOR TO
10 USERS ON THE WEB SITE.

11 I'D LIKE TO SHOW YOU TWO THINGS
12 TODAY. FIRST I'LL SHOW YOU WHAT'S AVAILABLE
RIGHT

13 NOW TO JURISDICTIONS ON THE BOARD'S WEB SITE,
AND

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14 THEN I'LL SHOW YOU OUR IN-HOUSE VERSION OF THE
15 DATABASE THAT'S IN MICROSOFT ACCESS. AND
THAT

16 INCLUDES MORE DETAILED INFORMATION THAT WILL
BE

17 ADDED TO THE WEB SITE.

18 IF I MESS UP ON THE COMPUTER,
FORGIVE

19 ME. THE FIRST SCREEN IS THE FIRST DATABASE
SCREEN

20 JURISDICTIONS CAN ACCESS ON THE WEB SITE. AND
THE

21 DATABASE CAN BE FOUND FROM THE BOARD'S HOME PAGE
22 UNDER DATABASES. SO THE FIRST STEP IN USING
THIS

23 FOR A JURISDICTION IS TO SELECT A JURISDICTION
TO

24 ANALYZE. AND FOR MY EXAMPLE I'LL CHOOSE OAKLAND
IN

25 ALAMEDA COUNTY. SO OVER ON THE LEFT-HAND SIDE

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1 SCREEN, YOU CAN SELECT A JURISDICTION.
2 THERE'S OAKLAND. AND YOU CAN LOOK
AT
3 DATA FOR OAKLAND IN TWO WAYS. FIRST, YOU CAN
LOOK
4 AT OVERALL DATA BY BUSINESS GROUPING AND OVERALL
5 DATA BY MATERIAL TYPE. SO FIRST I'M GOING TO
LOOK
6 AT IT BY BUSINESS GROUPING, SO I HIT THE SUBMIT
7 BUTTON ON THE RIGHT. AND THIS SHOWS A TABLE OF
THE
8 OVERALL BUSINESS SECTOR FOR THE CITY OF OAKLAND.
9 ON THE LEFT IS A LISTING OF BUSINESS GROUPINGS.
10 THE NEXT COLUMN LISTS THE NUMBER OF COMPANIES
IN
11 EACH OF THOSE BUSINESS GROUPINGS. THE NEXT
COLUMN
12 OVER LISTS NUMBERS OF EMPLOYEES IN EACH OF THE
13 BUSINESS GROUPINGS, AND THE LAST COLUMN ON
THE
14 RIGHT LISTS AN ESTIMATE OF THE AMOUNT
DISPOSED BY
15 EACH OF THOSE BUSINESS GROUPINGS. SO FROM

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THIS

16 SCREEN A CITY CAN IDENTIFY RIGHT AWAY WHO THE
17 BIGGEST DISPOSERS ARE FROM THEIR COMMERCIAL
SECTOR.

18 THE NEXT WAY TO LOOK AT THE DATA
IS

19 BY MATERIAL TYPE RATHER THAN BY BUSINESS
GROUPING.

20 SO THIS TABLE LISTS WHAT THE COMMERCIAL SECTOR
21 WASTESTREAM WOULD LOOK LIKE FOR THE CITY OF
OAKLAND

22 BASED ON ESTIMATES FROM THE DATABASE. AND FROM
23 THIS YOU CAN IDENTIFY THE LARGEST MATERIAL TYPES
24 DISPOSED BY THE COMMERCIAL SECTOR. WE'RE GOING
TO

25 BE ADDING MORE DETAILED INFORMATION TO THE WEB

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1 SITE, SO THAT'S WHAT I'M GOING TO SHOW YOU RIGHT
2 NOW FROM OUR ACCESS VERSION OF THE DATABASE.

3 ONCE YOU KNOW WHAT THE BUSINESS
4 GROUPINGS ARE THAT ARE THE BIGGEST DISPOSERS,
THEN

5 YOU WANT TO KNOW THE TYPES AND AMOUNTS OF
MATERIALS

6 FROM THAT SECTOR. SO WHAT THIS SCREEN LETS YOU
DO

7 IS CHOOSE ONE OF THE BUSINESS GROUPINGS AND LOOK
AT

8 THE BREAKDOWN OF MATERIALS DISPOSED BY THAT
9 GROUPING. SO THE BUSINESS GROUPING I CHOSE IS
10 RESTAURANTS, AND THIS JUST LISTS THE MATERIAL
TYPES

11 DISPOSED AND THE ESTIMATED TONNAGE DISPOSED BY
12 RESTAURANTS IN OAKLAND, AND THEN THE
FARTHEST

13 COLUMN OVER IS THE PERCENT. SO THE VERY -
-

14 BOARD MEMBER GOTCH: NANCY, IS IT
POSSIBLE

15 TO MAKE THIS A LITTLE DARKER? WE SAW THIS

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BETTER

16 IN COMMITTEE.

17 MS. CARR: IT'S HARD TO SEE. YOU CAN
LOOK

18 AT THE MATERIALS EITHER KIND OF GROUPED BY ALL
19 PAPER TOGETHER, ALL METAL TOGETHER, OR YOU CAN
LOOK

20 AT IT BY LARGEST TO SMALLEST.

21 AND ON THE WEB SITE PEOPLE WILL BE
22 ABLE TO SORT DIFFERENT WAYS TOO TO GET
DIFFERENT

23 KINDS OF REPORTS AND PRINTOUTS. SO THIS
LISTS

24 MATERIAL TYPES LARGEST TO SMALLEST. THE ONE AT
THE

25 TOP IS FOOD, WHICH IS WHAT YOU WOULD EXPECT
FROM

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1 RESTAURANTS THAT'S DISPOSED IN THE GREATEST
AMOUNT.

2 I HAVE ONE MORE SCREEN TO SHOW
YOU,

3 WHICH IS ANOTHER WAY TO APPROACH THE
WASTESTREAM.

4 YOU MAY WANT TO FOCUS ON A MATERIAL TYPE AND
FIND

5 OUT WHAT BUSINESS GROUPINGS DISPOSE OF THAT THE
6 MOST. SO FROM THIS SCREEN, I'M JUST GOING TO
7 CHOOSE UNCOATED CORRUGATED CARDBOARD, AND
DATABASE

8 WILL ESTIMATE HOW MUCH TONNAGE OF THAT MATERIAL
9 TYPE IS DISPOSED BY EACH BUSINESS GROUPING.

10 SO YOU CAN SEE FOR UNCOATED
11 CORRUGATED CARDBOARD, YOU CAN DETERMINE WHICH
12 BUSINESS GROUPINGS ARE ESTIMATED TO DISPOSE OF
THAT

13 IN THE GREATEST QUANTITY.

14 OKAY. SO THESE TWO SCREENS I JUST
15 SHOWED YOU WILL BE ADDED WITH RESIDENTIAL DATA
TO

16 THE WEB SITE. WE'RE SHOOTING FOR EARLY '98.

17 I WANTED TO MENTION TOO THAT THIS

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18 TOOL AND ANOTHER TOOL THAT WE'RE DEVELOPING IN
OUR

19 BRANCH ARE GOING TO BE PRESENTED AT A COUPLE OF
20 WORKSHOPS THAT THE BOARD IS COSPONSORING WITH
U.S.

21 EPA WITH A SOURCE REDUCTION ESTIMATION TOOL
THAT

22 THEY'RE PRESENTING. SO THERE WILL BE A WORKSHOP
IN

23 NORTHERN CALIFORNIA AND ONE IN SOUTHERN
CALIFORNIA

24 AND INCLUDE THESE TOOLS. NEXT MONTH.

25 CHAIRMAN PENNINGTON: OKAY.

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1 MS. CARR: ANY QUESTIONS?

2 BOARD MEMBER CHESBRO: JUST VERY
EXCITING.

3 CHAIRMAN PENNINGTON: IT IS EXCELLENT.

4 THANK YOU.

5 MS. FRIEDMAN: IF I COULD, I JUST
WANTED

6 TO ADD ONE THING. THE DATA -- THE IMPORTANCE
OF

7 THE DATA CAN'T BE UNDERESTIMATED. IT'S BEEN
USED

8 THROUGHOUT THE BOARD. WE'RE USING IT IN TERMS
OF

9 OUR WORK ON THE STRATEGIC PLAN AND OUR
STRATEGY

10 DEVELOPMENT TOO, SO I THINK ITS IMPORTANCE CAN'T
BE

11 UNDERESTIMATED.

12 BOARD MEMBER CHESBRO: THE THREE TIED

13 TOGETHER, THESE PIECES TIED TOGETHER REALLY

14 CRYSTALLIZE OUR LOCAL ASSISTANCE PROGRAM AND
BEGIN

15 TO REALLY MAKE IT MUCH MORE CONCRETE AND, AS I
SAID

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16 EARLIER, ACCESSIBLE, AND I THINK IT'S A GREAT
LEAP

17 FORWARD.

18 CHAIRMAN PENNINGTON: GOOD. THANK YOU.

19 OKAY. WE'LL MOVE TO ITEM ADDENDUM 1, WHICH IS

20 CONSIDERATION OF A POLICY THAT WILL ESTABLISH

21 CRITERIA TO DETERMINE WHEN AND UNDER WHAT

22 CIRCUMSTANCES AN APPLICANT FOR A BOARD

CONTRACT,

23 GRANT, LOAN SHOULD BE CONSIDERED UNRELIABLE

AND

24 THEREFORE NOT AWARDED A CONTRACT, GRANT, OR

LOAN.

25 MR. RICK BEARD.

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1 MR. BEARD: MR. CHAIRMAN, MEMBERS OF
THE
2 BOARD, I'M RICK BEARD, FISCAL MANAGER FOR THE
BOARD
3 HERE. AND THE ITEM BEFORE YOU THAT WE'RE
BRINGING
4 IS FROM POLICY COMMITTEE. IT WAS TAKEN TO
POLICY
5 IN AUGUST, AND THEN WE WERE ASKED TO COME BACK.
IT
6 WAS A BROAD POLICY THAT WE WERE TRYING TO WORK
ON
7 AT FIRST. WE BROUGHT IT BACK THIS MONTH, AND
NOW
8 IT'S GOING BEFORE THE BOARD.
9 THE POLICY RECOMMENDS ADOPTION OF
AN
10 INTERNAL BOARD POLICY THAT WILL HAVE
ESTABLISHED
11 CRITERIA FOR DETERMINING WHEN AND UNDER WHAT
12 CIRCUMSTANCES AN APPLICANT WHO WOULD APPLY FOR
A
13 BOARD CONTRACT OR GRANT OR APPROVAL OF LOAN
SHOULD

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14 BE CONSIDERED UNRELIABLE AND THEREFORE NOT
AWARDED

15 THE GRANT OR CONTRACT OR APPROVED FOR A LOAN.

16 THE CRITERIA THAT HAS BEEN
DEVELOPED

17 HAS BEEN REWORKED SEVERAL TIMES, AND I THINK
THE

18 POLICY CHAIRMAN, MR. JONES, ALLUDED TO THAT
EARLIER

19 IN THE DAY, THAT BETWEEN THE TIME THAT THE ITEM
WAS

20 PASSED FORWARD FROM THE COMMITTEE TO THE BOARD,
WE

21 HAVE HAD SOME REFINEMENT IN IT, AND I BELIEVE
22 EVERYBODY HAS THE NEW WORDING THAT WE PUT IN.

23 BOARD MEMBER RELIS: THAT'S NOVEMBER
19TH

24 THAT'S ATTACHED?

25 MR. BEARD: YES, MR. RELIS.

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1 THE CRITERIA IS IN THE ATTACHMENT,
2 AND THE POLICY, IN A NUTSHELL, LISTS FINDINGS
THAT
3 CAN BE -- TAKE PLACE FROM LOANS, GRANTS,
CONTRACTS,
4 WHAT HAVE YOU; AND IF THOSE FINDINGS WERE FOUND
BY
5 BOARD STAFF, THEN THEY WOULD BE PUSHED UP THE
6 LADDER TO THE EXECUTIVE DIRECTOR, WHO WOULD HAVE
7 THE ABILITY TO DETERMINE THAT, YES, INDEED THIS
8 ENTITY OR PERSON WAS DEEMED UNRELIABLE BECAUSE
OF
9 THESE FINDINGS AND POTENTIALLY PLACED ON A LIST
OR
10 WHAT HAVE YOU AND BE INELIGIBLE TO RECEIVE A
11 CONTRACT OR GRANT OR TO BE APPROVED FOR A LOAN
FOR
12 THREE YEARS.

13 WHEN THE EXECUTIVE DIRECTOR
RECEIVES
14 THE FINDINGS AND THE RECOMMENDATION FROM STAFF,
THE
15 ENTITY OR PERSON WOULD BE CONTACTED AND HAVE A

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16 60-DAY PERIOD TO REBUT OR REFUTE ANY FINDINGS
THAT

17 WERE MADE TO KIND OF PLEAD THEIR CASE.

18 THE STAFF RECOMMEND THAT THE
19 RESOLUTION 97-356 BE APPROVED, WHICH WOULD ADOPT
20 THIS POLICY THAT'S WITHIN THIS ITEM HERE. AND
LIZ

21 CLAYTON OF THE LEGAL STAFF AND MYSELF ARE HERE
TO

22 ANSWER ANY QUESTIONS.

23 CHAIRMAN PENNINGTON: OKAY. MR.
CHESBRO.

24 BOARD MEMBER CHESBRO: MY QUESTION
WOULD

25 BE IS THIS LIKE A, YOU KNOW, SCARLET LETTER FOR
210

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1 LIFE, OR IS THERE, LIKE, SOME WAY BUSINESS OR AN
2 INDIVIDUAL EVER COMES OFF THE LIST?

3 MR. BEARD: THE WAY THE POLICY IS
WRITTEN,

4 THERE WOULD BE A THREE-YEAR TIME FRAME IF YOU
WERE

5 INDEED PUT ON THIS LIST FROM THE TIME THE
CONTRACT

6 WAS ENDED OR GRANT OR LOAN.

7 BOARD MEMBER CHESBRO: THANKS.

8 CHAIRMAN PENNINGTON: ANY OTHER
9 DISCUSSION?

10 BOARD MEMBER FRAZEE: YES.

11 CHAIRMAN PENNINGTON: YES, MR. FRAZEE.

12 BOARD MEMBER FRAZEE: LOOKING AT
THE

13 PROPOSED LANGUAGE, THE BOARD SHALL NOT AWARD
A

14 CONTRACT OR GRANT OR APPROVE A LOAN, ONE OF
THE

15 CONCERNS I'VE ALWAYS HAD IN THIS KIND OF A

16 PROCEDURE IS LETTING THE PERSON APPLY IN THE

17 BEGINNING. IT'S MY BELIEF THAT THE

DISQUALIFICA-

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18 TION SHOULD COME AT THE APPLICATION LEVEL
RATHER

19 THAN SOMEWHERE DOWN THE LINE. HOW DO WE STAND
ON

20 THAT?

21 MS. CLAYTON: WE DID LOOK INTO THAT
ISSUE,

22 AND WITH OR WITHOUT THE POLICY, WE NEED TO BE
ABLE

23 TO LET THE APPLICANT FOR A CONTRACT, GRANT, OR
LOAN

24 APPLY, AND THEN WE CAN USE THE GROUNDS IN THE

25 POLICY OR ANY OTHER GROUNDS, ANY OTHER CRITERIA

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1 THAT WE WOULD NORMALLY USE TO EITHER ACCEPT OR
2 REJECT THAT APPLICATION. BY LAW WE DO NEED TO AT
3 LEAST ACCEPT IT.

4 MR. BEARD: SO IT WOULD BECOME PART OF
OUR
5 CRITERIA. YOU COULD APPLY, BUT THEN PART OF OUR
6 CRITERIA WOULD BE LOOKING AT THIS PARTICULAR
ISSUE.

7 BOARD MEMBER FRAZEE: WHAT ABOUT IN THE
8 CASE OF A COMPETITIVE BID? WOULD A PERSON BE
9 NOTIFIED OF THIS AND NOT ALLOWED TO BID, OR WOULD
10 THEY BE ON A LIST OF UNQUALIFIED BIDDERS BECAUSE
OF
11 THIS POLICY?

12 MS. CLAYTON: LET ME ANSWER YOUR FIRST
13 QUESTION FIRST. WE WOULD NEED TO DEVELOP
14 PROCEDURES ON HOW WE WOULD IMPLEMENT THE POLICY
IF
15 IT'S ADOPTED, BUT WE WOULD THINK THAT FUTURE
16 APPLICANTS FOR CONTRACTS, GRANTS, OR LOANS NEED
TO
17 KNOW ABOUT THE EXISTENCE OF THE POLICY. SO WE
18 WOULD MAKE SURE THAT THERE'S A REFERENCE,
EITHER

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19 FOR GRANTS, IT COULD EITHER BE IN THE NOFA OR
IN
20 THE EVALUATION CRITERIA. FOR CONTRACTS, IT
COULD
21 BE IN THE BID ADVERTISEMENT; AND FOR LOANS, IT
22 WOULD BE IN THE LOAN APPLICATION TO LET THEM
KNOW
23 THAT THERE IS SUCH A POLICY AND MAKE SURE THAT
THEY
24 KNOW IT'S AVAILABLE UPON REQUEST, SO THEY KNOW
WHAT
25 THE GROUND RULES ARE BEFORE THEY APPLY.

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1 AND THEN YOUR SECOND QUESTION WAS
2 WOULD THEY GO ON THE LIST. AND, YES, THEY WOULD
GO
3 ON THE LIST ONLY AFTER THE EXECUTIVE DIRECTOR
HAD
4 MADE A PROPOSED FINDING, THE APPLICANT HAS HAD
A
5 CHANCE TO APPEAL, AND THE BOARD HAS HEARD THE
6 APPEAL, AND THE BOARD HAS DECIDED TO CONFIRM
THE
7 FINDING OF UNRELIABILITY, THEN THEIR NAME WOULD
GO
8 ON THE LIST, AND THEIR NAME WOULD BE ON THAT
LIST
9 FOR THREE YEARS.

10 BOARD MEMBER FRAZEE: THERE'S ALWAYS
THE
11 POTENTIAL FOR SOME MISCHIEF TO BE CONDUCTED BY
12 SOMEONE WHO KNOWS THEY'RE ON THIS LIST, BUT
STILL
13 HAS THE ABILITY TO BID OR TO PUT IN AN
APPLICATION,
14 AND IN THAT SITUATION PUTTING AN ERRONEOUS BID

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IN

15 JUST TO STIR UP THE POT A BIT, IF YOU WILL, AND
SO

16 THAT'S THE REASON FOR MY QUESTION. IT SEEMS
THAT

17 THERE SHOULD BE SOME WAY TO DISQUALIFY PEOPLE IN
18 ADVANCE OF THEIR ACTUALLY SUBMITTING A BID OR
19 CONTRACT APPLICATION.

20 MS. CLAYTON: IN THEORY THEY SHOULD
BE

21 DISQUALIFIED. IF THEY KNOW THEY'RE ON THE
LIST,

22 THEY SHOULDN'T BE APPLYING. IF THEY DID
APPLY, WE

23 WOULD SIMPLY NOTIFY THEM THAT THEY'RE NOT
ELIGIBLE.

24 BOARD MEMBER FRAZEE: SO THIS LIST
WILL BE

25 INDEPENDENT OF ANY BIDS OR PROPOSALS FOR
CONTRACTS

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1 THAT WILL BE DEVELOPED OVER TIME AND ADDED TO
AND

2 WILL BE PUBLIC INFORMATION?

3 MS. CLAYTON: RIGHT.

4 CHAIRMAN PENNINGTON: ADDED TO AND
5 DELETED.

6 MR. BEARD: AND ONE COULD SURMISE THAT
IF

7 SOMEBODY KNEW THEY WERE ON THIS LIST, WOULDN'T
GO

8 TO THE TROUBLE OR DOLLAR EFFORT TO SUBMIT A
9 CONTRACT BECAUSE I UNDERSTAND THAT'S A PRETTY
10 INTENSIVE PROCESS.

11 MS. TOBIAS: MR. FRAZEE, I DON'T KNOW
IF

12 THIS HELPS OR NOT, AND, LIZ, CERTAINLY CORRECT
ME

13 IF I'M WRONG, BUT ON PAGE 3 WHERE IT TALKS
ABOUT

14 BIDDING CONTRACTS, THE PUBLIC CONTRACTS CODE
15 ALREADY TALKS ABOUT THE CIRCUMSTANCES UNDER
WHICH A

16 PERSON IS PROHIBITED FROM BIDDING. SO WE CAN'T
17 BASICALLY COME INTO THAT AND COME UP WITH

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OTHER

18 CRITERIA OR POLICY BECAUSE BASICALLY THE
STATE'S

19 ALREADY ACTED ON THAT.

20 SO THE AVENUE THAT WE CHOSE TO
PURSUE

21 HERE WAS TO MOVE TO THE CRITERIA ON WHICH TO
AWARD

22 A BID. SO THAT'S THE DISTINCTION. WE STARTED
WITH

23 THE IDEA THAT, OF COURSE, IT WOULD BE BETTER TO
24 TELL SOMEBODY RIGHT UP FRONT THAT THEY WOULD NOT
BE

25 ABLE TO EVEN BID ON A CONTRACT, BUT WE COULDN'T
DO

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1 THAT BECAUSE OF THE EXISTING LANGUAGE IN THE
CODE.

2 DOES THAT HELP?

3 BOARD MEMBER FRAZEE: OKAY. YES.

4 BOARD MEMBER RELIS: MR. CHAIR, I JUST
5 WANT TO MAKE SURE I UNDERSTAND IT. I THINK
IT

6 CAPTURES WHAT I WAS AFTER. OKAY. NO. 1
SAYS

7 BASICALLY, AND A, B, C, D UNDER 1 ARE WHO'S
SUBJECT

8 TO THIS. AND THEN AT THE END -- AND THEN AT THE
9 END OF EACH OF THE A'S, B'S, C'S, D'S, THERE'S
10 REFERENCE TO UNRELIABLE, AND UNRELIABLE IS
DEFINED

11 IN SECTION 2.

12 MS. CLAYTON: THAT'S RIGHT.

13 BOARD MEMBER RELIS: SO NO. 1, OKAY,
WHO

14 WOULD FALL UNDER THESE CATEGORIES? I LOOK TO
THE

15 FIRST PAGE. THEN I DEFINE UNRELIABILITY, AND
THAT

16 HAS TO BE ONE OF THE A TO G. THAT'S THE SOLE

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17 DEFINITION. WE CAN'T GO OUTSIDE THOSE BOUNDS.

18 MS. CLAYTON: THAT'S RIGHT.

19 BOARD MEMBER RELIS: AND THEN 3 AND
4, 3

20 ADDRESSES THAT BASICALLY IF WE MADE A
CONTRACT,

21 THEN WE CAN -- THEN UNRELIABILITY APPLIES, CAN
22 APPLY AT THAT POINT.

23 MS. CLAYTON: THAT'S RIGHT.

24 BOARD MEMBER RELIS: IF A THROUGH G ARE
25 INFRINGED ON. AND 4 IS, LET'S SEE, OH, THAT'S
THE

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1 HOW WE DISCLOSE THIS, HOW WE OFFER THE
INFORMATION

2 TO A PARTY THAT'S DISQUALIFIED, AND WHAT THE
APPEAL

3 PROCESS IS. IS THAT A FAIR?

4 MS. CLAYTON: THAT'S EXACTLY IT.

5 BOARD MEMBER RELIS: I JUST WANTED TO
MAKE

6 SURE I UNDERSTOOD HOW IT WOULD WORK.

7 BOARD MEMBER FRAZEE: ASK ANOTHER
8 QUESTION. UNDER G, CURRENTLY IN VIOLATION OF
ANY

9 BOARD STATUTE OR REGULATION, WOULD THAT OR COULD
10 THAT BE CONSTRUED TO APPLY TO, SAY, A GAS
VIOLATION

11 AT A LANDFILL?

12 MS. CLAYTON: YES, IT COULD. IT COULD
BE

13 ANY VIOLATION OF BOARD STATUTES OR REGULATIONS,
AND

14 THE POLICY WOULD APPLY UNLESS THE MONEY THAT
15 THEY'RE SEEKING FROM THE BOARD, THE PURPOSE OF
THAT

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16 IS TO REMEDIATE THE VIOLATION.

17 BOARD MEMBER FRAZEE: SO EVEN SOMETHING
18 AS

18 MINOR AS A LITTER VIOLATION AT A LANDFILL COULD
19 POTENTIALLY TRIGGER THIS?

20 BOARD MEMBER JONES: MR. FRAZEE, IN
21 COMMITTEE WE HAD THAT DISCUSSION BECAUSE WE
22 DIDN'T

22 WANT THOSE PEOPLE THAT HAD A LITTER VIOLATION OR
23 SOMETHING TO BE TAKEN CARE OF, AND THAT'S WHY
24 IT IS

24 THE EXECUTIVE DIRECTOR MAY MAKE A FINDING
25 ABOVE IT.

25 IT IS -- SO COMMON SENSE PREVAILS.

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1 I HAVE A LETTER -- I ASKED
JEANNINE
2 TO GET IT TO ALL THE BOARD MEMBERS. I DON'T
KNOW
3 IF SHE DID -- FROM MR. ERIC SUNSWHEAT, WHO HAD
A
4 SUGGESTION OF WHAT WE COULD ADD TO THIS.
EVERYBODY
5 IS LAUGHING, SO I GUESS THEY READ IT. I'M NOT
6 PROPOSING THIS LANGUAGE, BUT IT WAS THAT --
HIS
7 PROPOSED LANGUAGE WAS THAT ANY WASTE BOARD
BOARD
8 MEMBER SERVING A CURRENT TERM IS TO BE
CONSIDERED
9 AS A CONTRACTOR WITH A BOARD CONTRACT. A
BOARD
10 MEMBER CONFIRMED BY THE STATE LEGISLATURE FOR A
NEW
11 TERM IS TO BE CONSIDERED AS PENDING APPLICANT
FOR A
12 BOARD CONTRACT. AND FOR THE PURPOSES OF
13 JURISDICTIONAL AUTHORITY SCOPE IN THIS DOCUMENT,
14 BOARD MEMBERS REQUIRED TO MEET THE CRITERIA AS

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OF

15 ANY APPLICANT IN MIND. AND FINDING OR FAILURE

TO

16 MEET THE CRITERIA IS GROUNDS TO PREVENT

17 CONTINUATION IN OFFICE, REQUIRES THE BOARD TO

18 CENSURE THE APPLICANT BOARD MEMBER, AND TO VOID

19 PENDING PAY CONTRACT.

20 I DON'T KNOW IF ANYBODY WANTS

THAT

21 INCLUDED. I KNOW -- I THINK I'M THE ONLY ONE

THAT

22 MIGHT HAVE A VIOLATION BECAUSE I OPERATED

23 FACILITIES WITHIN THE LAST THREE YEARS. I

HOPE YOU

24 GUYS DON'T WANT TO PUT IT ON. IT'S SCARY.

25 I'LL MAKE A --

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1 BOARD MEMBER CHESBRO: I JUST -- I
WAS

2 GOING TO SAY I NOTE THAT IT AFFECTS
CONTRACTS,

3 GRANTS, AND LOANS, BUT NOT SOLID WASTE
FACILITY

4 PERMITS, I PRESUME. THERE'S NO REQUIREMENT
THAT

5 WE'RE GOING TO PUT THIS CRITERIA ON AN
OPERATOR.

6 CHAIRMAN PENNINGTON: OKAY. ANY
OTHER

7 DISCUSSION?

8 BOARD MEMBER JONES: MR. CHAIRMAN,
I'D

9 LIKE TO MAKE A MOTION THAT WE MOVE RESOLUTION
10 97-356.

11 CHAIRMAN PENNINGTON: DO WE HAVE A
SECOND?

12 BOARD MEMBER GOTCH: I'LL SECOND.

13 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
14 MOVED AND SECONDED. IF THERE'S NO FURTHER
15 DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

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16 THE SECRETARY: BOARD MEMBER
CHESBRO.

17 BOARD MEMBER CHESBRO: AYE.

18 THE SECRETARY: FRAZEE.

19 BOARD MEMBER FRAZEE: AYE.

20 THE SECRETARY: GOTCH.

21 BOARD MEMBER GOTCH: AYE.

22 THE SECRETARY: JONES.

23 BOARD MEMBER JONES: AYE.

24 THE SECRETARY: RELIS.

25 BOARD MEMBER RELIS: AYE.

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1 THE SECRETARY: CHAIRMAN
PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE.
MOTION

3 CARRIES.

4 WE NOW MOVE TO OPEN DISCUSSION,
AND I

5 DO HAVE TWO PEOPLE WHO WISH TO ADDRESS US THIS
6 AFTERNOON IN THE OPEN DISCUSSION. FIRST BEING
JOE
7 MINNER.

8 MR. MINNER: DO A LITTLE CHANGING IN
9 EQUIPMENT HERE SO THAT I CAN USE THE PODIUM.
GOOD

10 AFTERNOON. MY NAME IS JOE MINNER. AND FOR THE
11 NEXT COUPLE OF WEEKS, I'M THE DIRECTOR FOR THE
12 DEPARTMENT OF GENERAL SERVICES AT THE COUNTY OF
SAN
13 DIEGO. AND I'M HERE THIS AFTERNOON TO PROVIDE
YOU
14 A BRIEF UPDATE. I PROMISE IT WILL BE BRIEF AS
IT

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15 RELATES TO OUR DIVESTITURE PROCESS IN SAN DIEGO
16 COUNTY. APPRECIATE THIS OPPORTUNITY, MR.

CHAIRMAN

17 AND MEMBERS OF THE BOARD.

18 BEFORE WE DECIDED TO SELL THE
19 LANDFILL SYSTEM, WE LOOKED AT SEVERAL FACTORS,
ONE

20 OF WHICH WAS OUR INACTIVE SITES, AND WE LOOKED
AT

21 OUR OBJECTIVES UNDER A POSSIBLE DIVESTITURE OR
SALE

22 OF THE SYSTEM. AND ONE OF THOSE WAS TO REDUCE
THE

23 RISK OR THE EXPOSURE TO OUR GENERAL FUND FROM
THESE

24 RETAINED SITES. IN SAN DIEGO COUNTY WE HAVE A
25 LITTLE OVER A DOZEN INACTIVE LANDFILL SITES, A

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1 COUPLE OF BURN SITES, AND THEN AS PART OF THE
SALE,

2 WE RETAINED THE CLASS I SITE AT OTAI LANDFILL.

3 AND IN LOOKING AT THESE SITES, WE

4 LOOKED AT THE ABILITY TO FUND THE FUTURE

5 LIABILITIES THAT WERE REPRESENTED UNDER A
SCENARIO

6 THAT THE COMPANY MAKING AN OFFER ON THE ACTIVE

7 LANDFILLS WOULD NOT WANT TO PICK UP THE INACTIVE

8 LANDFILLS ALSO. SO WE LOOKED -- UNDER THAT

9 SCENARIO, WE LOOKED AT TWO OPTIONS. THE FIRST
WAS

10 TO OPERATE THE SYSTEM FOR, SAY, A PERIOD OF 30

11 YEARS OR LONGER, AND THE OTHER ONE WAS TO SELL
THE

12 SYSTEM AND THEN CREATE AN ENVIRONMENTAL TRUST

13 FUND.

14 LOOKING AT THOSE TWO OPTIONS, WE

15 VIEWED THE FIRST OPTION AS THAT BEING ONE THAT

16 REPRESENTED A HIGH RISK TO THE COUNTY COMPETING
IN

17 A VERY COMPETITIVE MARKET IN SOUTHERN
CALIFORNIA,

18 THE OTHER CHALLENGES THAT THE COUNTY WAS

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FACING,

19 VERSUS THE SECOND OPTION, WHICH WE VIEWED NOT
JUST

20 AS LOW RISK, BUT A NO RISK IF WE WERE, INDEED,
21 SUCCESSFUL AT BEING ABLE TO SELL THE SYSTEM FOR
22 APPROPRIATE AMOUNT OF MONEY.

23 LOOKED AT ANOTHER WAY OVER THAT
24 30-YEAR PERIOD OF TIME, WE COULD, WITH TIPPING
FEES

25 BEING REPRESENTED ON THE LEFT-HAND AXIS, WE
COULD

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1 SET TIPPING FEES OVER A 30-YEAR PERIOD OF TIME
TO
2 COVER OUR ACTIVE LANDFILL COST, AND THEN HOPE
IN A
3 VERY COMPETITIVE MARKET TO KEEP THE RATES HIGH
4 ENOUGH TO BE ABLE TO PROVIDE THAT MARGIN FOR
THE
5 INACTIVE SITES. OR THE OTHER OPTION WAS TO BE
ABLE
6 TO SELL THE SYSTEM FOR AN APPROPRIATE AMOUNT OF
7 MONEY AND CREATE AN ENVIRONMENTAL TRUST FUND
THAT
8 WAS FULLY FUNDED NOW.

9 AND INDEED I'M VERY PLEASED TO
REPORT

10 THAT WE WERE ABLE TO SUCCESSFULLY SELL THE
SYSTEM
11 TO ALLIED WASTE. THE DOLLAR AMOUNT IN CASH BY
12 ALLIED WAS \$163 MILLION. WE ALSO, IN WORKING
WITH
13 YOUR STAFF, RECEIVED THE RELEASE OF THE CLOSURE
14 FUNDS ON THE ACTIVE LANDFILLS THAT ARE
TRANSFERRED

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15 TO ALLIED IN THE AMOUNT OF ALMOST 16, AND THAT
16 CONSTITUTED THE SUCCESSFUL SALE OF OUR SYSTEM.

17 ONE OF THE THINGS THAT OUR BOARD
18 DID

18 THEN REGARDING THE INACTIVE SITES WAS ON
19 NOVEMBER

19 THE 4TH BY ORDINANCE, OUR BOARD CREATED AN
20 ENVIRONMENTAL TRUST FUND; AND IN DETERMINING
21 THAT

21 AMOUNT, WE LOOKED AT SEVERAL THINGS. WE
22 COMPLETED

22 TWO SEPARATE ENGINEERING ANALYSES. THEY LOOKED
23 AT

23 A 30-YEAR MAINTENANCE SCENARIO FOR THE INACTIVE
24 SITES THAT WE MAINTAINED OWNERSHIP OF. WE
25 LOOKED

25 AT DOING ADDITIONAL CLOSURE WORK IF THAT WOULD
LEND

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1 ITSELF TO THOSE SITES, AND WE LOOKED AT
POTENTIAL

2 CORRECTIVE ACTION PROGRAMS.

3 THESE ANALYSES THEN LED TO A RANGE
OF

4 RISK FROM 75 MILLION TO A \$140 MILLION NET
PRESENT

5 VALUE IN TERMS OF CALCULATION. AND THE AMOUNT
THAT

6 WE RECOMMENDED AND THE AMOUNT THAT OUR BOARD

7 APPROVED THEN WAS WHAT WE BELIEVED WAS A PRUDENT

8 LEVEL OF FUNDING, \$101 MILLION. THAT \$101
MILLION

9 THEN IS ROUGHLY THE 75 MILLION THAT'S
REPRESENTED

10 IN MAINTENANCE COST LONG TERM FOR THOSE SITES
WITH

11 AN ADDITIONAL 26 MILLION FOR POTENTIAL
IMPROVEMENTS

12 AND CORRECTIVE ACTION PROGRAMS FOR THOSE
LANDFILLS.

13 NOW THAT WE HAVE THE MONEY, WHAT
ARE

14 WE GOING TO DO WITH IT? WE WILL BE VERY

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AGGRESSIVE

15 IN LOOKING AT THE SITES THAT WE DO MAINTAIN THE
16 RESPONSIBILITY FOR. WE'LL BE LOOKING AT WAYS TO
17 MINIMIZE OUR RISK, TO POSSIBLY REUSE THOSE
SITES,

18 AND FOR THOSE THAT WE MIGHT BE ABLE TO DO
SOMETHING

19 LIKE CLEAN CLOSURE, POSSIBLY EVEN SELL SOME OF
20 THOSE SITES. AND THEN WE'LL ALSO BE PRUDENT
21 KEEPERS OF THE FUND.

22 WE'LL BE LOOKING AT DEVELOPING
SOME

23 MULTI-YEAR IMPROVEMENT PROGRAMS SO THAT THEN WE
CAN

24 MAINTAIN THE -- AS MUCH CASH AVAILABLE IN
25 APPROPRIATE INVESTMENTS OVER THE LONG TERM.

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1 I APPRECIATE YOUR PATIENCE. I
HOPE

2 THAT WE'VE BEEN ABLE TO END YOUR DAY ON A
POSITIVE

3 NOTE HERE. AND I WOULD LOOK FORWARD TO
ANSWERING

4 ANY QUESTIONS THAT ANY BOARD MEMBERS MAY HAVE.

5 BOARD MEMBER FRAZEE: HOW DOES THE
CURRENT

6 CLOSURE FUND FOR THE SAN MARCOS LANDFILL FIT
INTO

7 THIS? IS IT PART OF THIS? IS IT PART OF THE
15

8 MILLION, OR IS IT STILL SITTING THERE?

9 MR. MINNER: EXCELLENT QUESTION. IT
IS

10 STILL SITTING THERE.

11 BOARD MEMBER FRAZEE: SO IT WOULD BE
12 AVAILABLE IN ADDITION TO THIS MONEY?

13 MR. MINNER: THAT'S CORRECT. THE
CLOSURE

14 WAS NOT PART OF THE \$101 MILLION, AND ITS VALUE
15 RIGHT NOW IS APPROXIMATELY \$16 MILLION, AND
THAT

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16 WILL BE MADE AVAILABLE -- AND THAT 16 --
17 COINCIDENCE, IT'S 16 ABOVE AND BEYOND THE 16.2
18 THAT

18 WAS RELEASED, AND THAT'S AVAILABLE FOR FORMAL
19 CLOSURE ONCE WE ARE ABLE TO RECEIVE FINAL
20 APPROVAL

20 OF THAT CLOSURE PLAN, AND WE'RE GOING THROUGH
21 THE

21 SUPPLEMENTAL EIR PROCESS RIGHT NOW.

22 BOARD MEMBER FRAZEE: ARE THERE ANY
23 OTHER

23 SITES THAT ARE SIMILARLY SITUATED THAT STILL
24 HAVE

24 CLOSURE WORK TO BE DONE AND HAVE A FUND?

25 MR. MINNER: NOT ANY OTHER SITES THAT
26 HAVE

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1 A FORMAL CLOSURE FUND. THEY ALL STOPPED
RECEIVING

2 WASTE BEFORE THE MID-1980 TIME FRAME.

3 BOARD MEMBER FRAZEE: THANK YOU.

4 CHAIRMAN PENNINGTON: ANY OTHER
QUESTIONS?

5 BOARD MEMBER RELIS: IT'S TOO LATE IN
THE

6 DAY.

7 CHAIRMAN PENNINGTON: OKAY. THANK YOU
8 VERY MUCH. APPRECIATE IT. NICE WORK.

9 NOW WE HAVE MR. EVAN EDGAR.

10 MR. EDGAR: STILL GOT TWO MORE
MINUTES.

11 EVAN EDGAR REPRESENTING THE CALIFORNIA REFUSE
12 REMOVAL COUNCIL. I'M HERE TODAY BECAUSE I
CAN'T BE

13 HERE TOMORROW. I HAVE THE GARBAGE GUYS COMING
INTO

14 TOWN ON A STATE EXECUTIVE MEETING, AND I WANTED
TO

15 MAKE SURE THAT YOU KNOW THAT WE ARE VERY
SUPPORTIVE

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16 OF THE STRATEGIC PLAN AND THE MESSAGE YOU GUYS
ARE

17 SENDING ABOUT YOUR FOCUS AND THE CORE BUSINESS
18 PRACTICES YOU GUYS ARE EMBARKING UPON OVER THE
NEXT

19 FEW YEARS.

20 I THINK THE PUTTING ORGANICS
FIRST

21 WAS A KEY ISSUE THAT WE'VE BEEN VERY SUPPORTIVE
OF

22 ON ORGANICS, AND WE PUT A LOT OF EFFORT INTO
THAT,

23 SO WE'RE HIGHLY SUPPORTIVE OF PUTTING ORGANICS
24 FIRST.

25 NO. 2 ON C&D DIVERSION, THAT'S A
HUGE

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1 TARGET. THIS MIRRORS THE 1996 MARKET
DEVELOPMENT

2 PLAN WITH PRIORITY MATERIALS, WHICH WE WERE
HIGHLY

3 SUPPORTIVE OF.

4 NO. 3 WAS IMPROVING FACILITY
5 COMPLIANCE. THAT IS NEEDED, NOT ONLY FROM
6 REGULATORY EQUITY, BUT ENFORCEMENT EQUITY. THE
BIG

7 YEAR OF ENFORCEMENT THAT WAS GOING TO HAPPEN
BACK

8 IN 1996 WITH AB 59 DIDN'T HAPPEN, BUT MAYBE
THAT

9 WILL HAPPEN IN THE FUTURE AS WE IMPROVE OUR
10 FACILITY COMPLIANCE BOTH FOR LANDFILLS AND FOR
11 DIVERSION FACILITIES.

12 AND THE FOURTH ONE IS PARAMOUNT.
WE

13 MET -- WE HAD A MEETING TODAY WITH CRRC, AND WE
14 LAUDED THE WASTE BOARD ON THEIR IMPROVING
LOCAL

15 GOVERNMENT PERFORMANCE IN THE AB 939
DIVERSION

16 MANDATE. THAT'S SO CRITICAL, LOOKING AT THE

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17 NUMBERS, HOW THE JURISDICTIONS ARE COMPLYING
AND

18 THE NUMBERS OF PLANS ARE COMING IN, AND
ENFORCEMENT

19 ACTIONS COULD BE COMING UP, WE THINK THEY'RE
MAKING

20 GREAT EFFORTS THERE, AND WE HIGHLY CONCUR
WITH THAT

21 NO. 4 ITEM THERE.

22 SO SINCE I'M NOT HERE TOMORROW,
WE DO

23 CARE. I'M NOT SILENT BECAUSE I COULDN'T BE
HERE

24 TOMORROW. ONE LAST NOTE ABOUT THE C&D IS WE
HAVE

25 THE SAME CONCERNS THAT WERE VOICED FROM MR.
CHESBRO

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1 ABOUT USING THE MINE RECLAMATION AS OPEN
DUMPS.

2 JUST LOOKING AT THE PAGE 31-14 OF THE
STRATEGIC

3 PLAN, IT SHOWS A LITTLE PIE CHART ABOUT C&D
4 COMPONENTS. THIRTY-ONE PERCENT OF THE C&D
5 COMPONENTS ARE INERT; 25 PERCENT ARE WOOD; 9
6 PERCENT ARE METALS, CARDBOARD, CARPET, AND
7 PLASTICS; THE OTHER 35 PERCENT IS OTHER. THAT
8 COULD BE ASBESTOS, DRYWALL, WHO KNOWS.

9 SO I THINK WHEN IT COMES DOWN TO
THE
10 C&D AUTHORITY, I THINK IT REALLY WILL COME DOWN
TO

11 DEFINITIONS; WHEREAS, FOR INERT MATERIAL, THE
MINE

12 RECLAMATION PEOPLE MAY HAVE A CASE. BUT WHEN
YOU

13 LOOK AT THE GLOBAL DEFINITION OF C&D, WE'RE
GOING

14 TO BE LOOKING AT IT VERY CLOSELY IN ORDER TO
DEFINE

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15 THAT BECAUSE IT'S TOO WIDE OPEN IN ORDER TO
CREATE

16 OPEN DUMPS OUT OF MINE REC SITES.

17 THANK YOU FOR THE OPPORTUNITY TO
18 SPEAK TODAY. AND WE'RE HIGHLY SUPPORTIVE OF
YOUR

19 PLAN.

20 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
MR.

21 EVAN EDGAR?

22 BOARD MEMBER JONES: MR. CHAIRMAN, I DO
23 HAVE A QUESTION UNDER OPEN DISCUSSION. DURING
THE

24 ITEM 25, MR. FRAZEE HAD MADE A COMMENT THAT WHEN
HE

25 FIRST GOT HERE, HE HAD A PROBLEM WITH THE EASE
IN

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1 WHICH DEDESIGNATION OCCURS OR THAT MAYBE WE
NEEDED

2 TO FIX THAT. I'M JUST WONDERING IF IT'S ALSO ON
3 OTHER PEOPLE'S RADAR SCREENS THAT WE HAVE
OVERSIGHT

4 AND CERTIFICATION. WE DON'T HAVE OVERSIGHT IN
5 DECERTIFICATION. AND I THINK WE NEED TO ASK THE
6 EXECUTIVE DIRECTOR AND PEOPLE TO LOOK AT THAT
AND

7 TO SEE IF WE NEED SOME LEGISLATIVE FIX ON THE
8 BUYING AND SELLING OF LEA'S FOR OUR OWN
PURPOSES.

9 AND I'M JUST WONDERING IF
ANYBODY

10 ELSE SHARES THAT VIEW, OR IF ANYBODY WOULD
MIND

11 SUPPORTING ME IN HAVING THE EXECUTIVE DIRECTOR
LOOK

12 AT A LEGISLATIVE FIX OF THE DEDESIGNATION WHERE
WE

13 HAVE SOME CRITERIA OR SOMETHING.

14 CHAIRMAN PENNINGTON: I'LL SUPPORT OR
15 SOMETHING.

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16 BOARD MEMBER CHESBRO: THEORETICALLY IT
17 MAKES A LOT OF SENSE, BUT IT'S A REAL CAN OF
 WORMS
18 IN TERMS OF, YOU KNOW, WHICH WAY IT PLAYS IN
 WHICH
19 COMMUNITY AND WHO'S GOING TO BE -- YOU KNOW,
 WHICH
20 SIDE. I MEAN IT'S CERTAINLY WORTH TALKING
 ABOUT,
21 BUT MY OPTIMISM ABOUT THE LEGISLATURE BEING ABLE
 TO
22 GET THEIR ARMS AROUND IT IS NOT HIGH BECAUSE
23 IT'S -- IT JUST DEPENDS ON WHOSE OX IS GETTING
24 GORED, YOU KNOW, WHERE PEOPLE COME OUT.

25 BOARD MEMBER JONES: I MEAN I'M AWARE
 THAT

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1 IT WAS A GIVE-UP IN THE FORMULATION OF AB 939.
I
2 DON'T HAVE A PROBLEM WITH THAT, BUT I DON'T
3 UNDERSTAND HOW IF OUR REGS, IF THE CERTIFICATION
IS
4 JUST, YOU KNOW, FILL OUT SOME FORMS, I'M WONDER-
5 ING -- YOU KNOW, WE HAVE SOME JURISDICTION OVER
6 THAT. WE DON'T HAVE ANY JURISDICTION AS WHEN
ONE
7 BECOMES DECERTIFIED. TO ME THAT'S -- WE NEED TO
AT
8 LEAST LOOK AT, AND I'M JUST WONDERING IF WE CAN
AT
9 LEAST LOOK AT -- ASK THE EXECUTIVE DIRECTOR TO
LOOK
10 AT SOME OF THESE THINGS AND BRING SOMETHING BACK
11 FOR DISCUSSION PURPOSES, YOU KNOW.
12 I MEAN I DON'T UNDERSTAND HOW
13 SOMEBODY WRITES A LETTER SAYING THAT THESE GUYS
14 HAVE BEEN GREAT, BUT WE'RE GOING TO DECERTIFY
THEM.
15 I JUST -- THERE NEEDS TO BE A CRITERIA FOR
16 DECERTIFICATION, OTHERWISE IF YOU CAN BUY AND

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SELL

17 LEA'S, AS IS HAPPENING IN THE STATE OF
CALIFORNIA,

18 WHY ARE WE DOING THIS? YOU KNOW, WHY ARE WE EVEN
19 DOING THIS?

20 BOARD MEMBER CHESBRO: YEAH, BUT YOU
ARE

21 TALKING ABOUT THE CITIES GIVING THE COUNTY THE
22 UPPER HAND AND THE AUTHORITY QUESTION, YOU
KNOW.

23 I MEAN THAT'S JUST VERY UNLIKELY TO HAPPEN.

24 BOARD MEMBER JONES: YOU KNOW, LEA'S
JOBS

25 ARE TO ENSURE THAT THE ENVIRONMENTAL PROTECTION
OF

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1 THE CITIZENS, NOT TO BE USED FOR POLITICAL
PURPOSE.

2 BOARD MEMBER CHESBRO: BUT THE CITIES
ARE

3 GOING TO SAY WE SHOULD HAVE THE RIGHT TO HAVE
THE

4 SAME AUTHORITY JUST BECAUSE WE CHOOSE TO HAVE
IT,

5 NOT BECAUSE THE COUNTY HASN'T DONE THEIR JOB,
JUST

6 BECAUSE WE CHOOSE TO HAVE.

7 BOARD MEMBER JONES: I DON'T HAVE A
8 PROBLEM WITH THAT, BUT THERE SHOULD BE SOME
9 CRITERIA, YOU KNOW, I THINK. I'D LIKE TO JUST
TALK

10 ABOUT IT.

11 BOARD MEMBER RELIS: MAYBE WE COULD
HAVE A

12 DISCUSSION. I MEAN WE DID -- WE HAVE HAD A
NUMBER

13 OF CASES WHERE WE, IN FACT, SUSPECT THIS. AND I
14 MEAN CONCERNS WERE RAISED. I MEAN WE HAVE
CASE

15 STUDIES OF THAT. I THINK WE MIGHT WANT TO

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KICK

16 THAT AROUND A BIT, BUT I DON'T KNOW THAT WE
17 COULD --

18 BOARD MEMBER CHESBRO: WE'VE HAD
THE

19 REVERSE TOO THOUGH WHERE THE OPERATOR WANTED US
TO

20 GET IT AWAY FROM THE CITY BECAUSE -- AND GIVE
IT TO

21 THE COUNTY BECAUSE THEY THOUGHT THE CITY WAS
BEING

22 TOO TOUGH ON THEM, YOU KNOW. SO I MEAN THAT'S
WHAT

23 I MEANT BY IT CUTS A LOT OF DIFFERENT WAYS,
24 DEPENDING ON THE SITUATION.

25 BOARD MEMBER JONES: TELL YOU THE
TRUTH, I

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1 DON'T CARE WHICH WAY IT CUTS. I JUST THINK
THERE

2 NEEDS TO BE A CRITERIA BECAUSE, YOU KNOW, THE
FACT

3 SOMEBODY WANTS TO USE IT AS A POLITICAL TOOL,
TO

4 ME, DOESN'T LEND ITSELF TO US DOING OUR JOB.
AND

5 SO I'D LIKE TO JUST EXPLORE THAT.

6 CHAIRMAN PENNINGTON: WELL, I THINK
7 CERTAINLY YOU SHOULD EXPLORE IT WITH STAFF AND
THE

8 EXECUTIVE DIRECTOR, AND THEN IF WE CAN HAVE
9 DISCUSSION AMONG THE ADVISORS AND SEE WHERE WE
GO.

10 BOARD MEMBER JONES: I LOVE IT.

11 BOARD MEMBER RELIS: MR. CHAIR, UNDER
OPEN

12 DISCUSSION I WANTED TO JUST COMMENT -- I KNOW
EVAN

13 WON'T BE HERE TOMORROW, BUT I WANTED TO THANK
EVAN

14 FOR AND THE CRRC FOR THEIR WORK ON HELPING US

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WITH

15 THE MARKET DEVELOPMENT, IN/ PARTICULAR IN THE
16 ORGANICS AREAS. I KNOW THAT MY STAFF HAS WORKED
17 CLOSELY WITH EVAN, AND HE'S KEPT US ON BOARD AS
FAR

18 AS THE PROGRESS MADE WITH CCQC, WITH CORK, WITH
19 THE -- HIS OWN CLIENT BASE, AND I THINK
THEY'VE

20 BEEN INSTRUMENTAL REALLY IN THE PROGRESS
WE'VE

21 MADE. SO I DIDN'T WANT THAT TO GO
UNNOTICED.

22 CHAIRMAN PENNINGTON: THANK YOU.
YOU

23 ALWAYS THINK THAT EVAN IS INSTRUMENTAL. OKAY.
WE

24 NOW MOVE INTO AN EXECUTIVE SESSION TO TAKE UP A
--

25 BOARD MEMBER JONES: TEN MINUTES?

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1 CHAIRMAN PENNINGTON: IF YOU WISH.
TEN
2 MINUTES. WE WILL -- AND WE WILL RECONVENE AT
9:30
3 TOMORROW MORNING TO HEAR ITEM 31.
4 GOING INTO EXECUTIVE SESSION ON A
5 PERSONNEL MATTER.
6
7 (MEETING WAS THEN RECESSED TO
CLOSED
8 SESSION AT 4 P.M. TO THEN RECONVENE AT 9:30
A.M.,
9 THURSDAY, NOVEMBER 20, 1997.)
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